

## **BULKY DOCUMENTS**

(exceeds 300 pages)

Proceeding/Serial No: 91165519

Filed: 12-13-07

Title: Applicants Notice of Filing Original

Transcripts of Trial Testimonies

Part 2 of 2



TROPICANA SUITE 19 LAS VEGAS NEVADA 89119

Assignment Recorded

**ASSIGNMENT RECORDED** 

Attorney of Record

Richard C. Woodbridge

**Disclaimer** 

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAVANA HONEYS" APART FROM

THE MARK AS SHOWN

**Description of** Mark

The mark consists of the wording "HAVANA HONEYS" and design of flowers. The wording

"HAVANA HONEYS" is black outlined in the color yellow; the background of the mark, starting at the top, consists of a gradation of orange to yellow-orange; the flowers in the mark consist of the color

orange; color is claimed as a feature of the mark.

Type of Mark

TRADEMARK

Register

**PRINCIPAL** 

Live/Dead Indicator

LIVE

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## **Trademarks** > **Trademark Electronic Search System (TESS)**

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RECORD 97 OUT Of 159

TARR Status ASSIGN Status TDR TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark

HABANA GOLD

**Translations** 

The English translation of the word "HABANA" in the mark is "HAVANA".

Goods and Services IC 034. US 002 008 009 017. G & S: CIGARS PRODUCED FROM CUBAN SEED TOBACCO.

FIRST USE: 19940801. FIRST USE IN COMMERCE: 19940801

Mark Drawing

Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

01.01.10 - Stars, three or more; Three or more stars 01.01.13 - Stars - multiple stars with five points

01.15.05 - Smoke; Steam; Vapor

02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men

02.01.31 - Men, stylized, including men depicted in caricature form

09.03.01 - Blazers; Coats; Fur coats; Jackets; Parkas; Ponchos; Rain coats; Shawls; Vests, clothing

aouning

09.03.06 - Camisoles; Exercise clothes, sweatshirts; Jerseys; Shirts; Sweatshirts; Tank tops

09.03.15 - Bow ties; Neckties; Ties, neckties or bow ties

09.05.05 - Sombreros, cowboy hats (10 gallon hats), other broad-brimmed hats

10.01.02 - Cigarettes; Holders, cigarette and cigar

26.01.02 - Circles, plain single line; Plain single line circles

26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

Serial Number

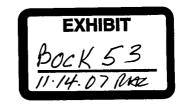
76609734

Filing Date

September 1, 2004

**Current Filing** 

**1A** 



**Basis** 

**Original Filing** 

**Basis** 

1A

Published for

Opposition

November 15, 2005

Registration

Number

3056917

**Registration Date** 

February 7, 2006

**Owner** 

(REGISTRANT) Goldman, Alex INDIVIDUAL UNITED STATES 11-22 Welling Court Astoria

**NEW YORK 11102** 

Attorney of Record Robert C. Faber

**Prior Registrations 2202978** 

**Disclaimer** 

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HABANA" APART FROM THE

MARK AS SHOWN

**Description of** 

Mark

gold. The color gold appears throughout the word and design portions of the mark.

**Type of Mark** 

TRADEMARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE

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Start | List At: OR Jump | to record: Record 106 out of 159

TARR Status ASSIGN Status TDR TTAB Status ( Use the "Back" button of the Internet

Browser to return to TESS)

#### **Typed Drawing**

Word Mark HOJA DE HABANO

Translations The foreign wording in the mark translates into English as leaf of Havana.

Goods and Services IC 034. US 002 008 009 017. G & S: cigars made from Cuban seed tobacco. FIRST USE:

20010909. FIRST USE IN COMMERCE: 20010909

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76277020 Filing Date June 27, 2001

Current Filing Basis 1A

Original Filing Basis 1B

Supplemental

Register Date
Registration Number 2924482

Registration Date February 1, 2005

Owner (REGISTRANT) Thompson & Co. of Tampa, Inc. CORPORATION FLORIDA 5401 Hangar

Court Tampa FLORIDA 33634

Attorney of Record David W. Pettis, Jr., Esq.

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE de Habano APART FROM THE

MARK AS SHOWN

Type of Mark TRADEMARK
Register SUPPLEMENTAL

Live/Dead Indicator LIVE

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Herora Lagerd s 1321 - Se

**Word Mark** 

K. HANSOTIA & CO. TOBACCO MERCHANTS HAVANA LEGEND 4421 SELECT PREMIUM **TOBACCO** 

Goods and Services

IC 034. US 002 008 009 017. G & S: Cigars, cigarettes, and tebacco produced from Cuban tobacco seed; smoker's articles not of precious metal, namely, cigarette lighters, cigarette cases, cigar cases, cigarette holders, and cigar holders. FIRST USE: 20031100. FIRST USE IN COMMERCE:

20031100

**Mark Drawing** Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search** Code

26.11.02 - Plain single line rectangles; Rectangles (single line)

26.11.12 - Rectangles with bars, bands and lines

26.11.21 - Rectangles that are completely or partially shaded

26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

26.17.25 - Other lines, bands or bars

Serial Number

76550696

**Filing Date** 

October 10, 2003

**Current Filing** 

1A

**Basis** 

**Original Filing Basis** 

**1B** 

**Published for** Opposition

September 21, 2004

Registration Number

3021467

Registration

November 29, 2005

Date Owner

(REGISTRANT) K. Hansotia & Co., Inc. CORPORATION FLORIDA 3705 N.W. 115 Avenue, Bay

#5 Miami FLORIDA 33178

Attorney of Record

**Pablo Meles** 

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Co.", "Tobacco Merchants", "Havana"

and "Select Premium Tobacco" APART FROM THE MARK AS SHOWN

Type of Mark

**TRADEMARK** 

Register

**PRINCIPAL** 

**Other Data** 

The name K. Hansotia does identify a particular living individual.

Live/Dead

LIVE

Indicator

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**ASSIGN Status TTAB Status** TDR ( Use the "Back" button of the Internet **TARR Status** Browser to return to TESS)

#### Typed Drawing

**Word Mark** 

**HAVANA BLEND** 

Goods and

IC 034. US 002 008 009 017. G & S: Cigars made from Cuban Seed tobacco. FIRST USE:

19930000. FIRST USE IN COMMERCE: 19930000 Services

Mark Drawing Code (1) TYPED DRAWING

Serial Number

76536320

Filing Date

August 11, 2003

**Current Filing Basis** 

1A

**Original Filing** 

**Basis** 

1A;1B

**Published for** 

Opposition

July 13, 2004

Registration

Number

2890975

**Registration Date** 

October 5, 2004

Owner

(REGISTRANT) Finck Cigar Company Finck Mangement, LLC -Texas-USA PARTNERSHIP

TEXAS P O Box 831007 San Antonio TEXAS 782831007

**Disclaimer** 

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "blend" APART FROM THE MARK

AS SHOWN

Type of Mark

TRADEMARK

Register

PRINCIPAL-2(F)

Live/Dead Indicator LIVE

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#### Typed Drawing

**Word Mark** 

SIMPLY THE SWEETEST SMOKE THIS SIDE OF HAVANA

Goods and Services

IC 034, US 002 008 009 017, G & S: CIGARS AND LITTLE CIGARS MADE FROM CUBAN

SEED TOBACCO. FIRST USE: 19980717. FIRST USE IN COMMERCE: 19980717

**Mark Drawing** 

Code

(1) TYPED DRAWING

Serial Number

76299915

**Filing Date** 

August 13, 2001

**Current Filing** 

**Basis** 

1A

**Original Filing** 

**Basis** 

1A

**Published for** Opposition

March 5, 2002

Registration Number

2573569

**Registration Date** 

May 28, 2002

**Owner** 

(REGISTRANT) Cigar Express, Inc. CORPORATION NEVADA 3133 Industrial Road Las Vegas

**NEVADA 89109** 

(LAST LISTED OWNER) HAVANA HONEYS HOLDINGS, LLC LTD LIAB CO NEVADA 2250 E. TROPICANA SUITE 19 LAS VEGAS NEVADA 89119

Assignment

Recorded

ASSIGNMENT RECORDED

Attorney of Record

Richard C. Woodbridge

Type of Mark

TRADEMARK

Register

**PRINCIPAL** 

Live/Dead

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Word Mark

SCHIMMELPENNINCK CIGAR HAVANA

Goods and **Services** 

IC 034. US 002 008 009 017. G & S: cigars made in part of tobacco grown from Cuban seeds.

FIRST USE: 19880000. FIRST USE IN COMMERCE: 19900100

**Mark Drawing** Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search** Code

02.01.01 - Busts of men facing forward; Heads of men facing forward; Men - heads, portraiture, or

busts facing forward; Portraiture of men facing forward

05.01.03 - Palm trees

07.01.07 - Huts; Outhouses; Sheds

24.01.02 - Shields or crests with figurative elements contained therein or superimposed thereon

26.09.02 - Plain single line squares; Squares, plain single line

**Serial Number** 

75566369

Filing Date

October 3, 1998

Current Filing

**Basis** 

**1A** 

Original Filing

Basis

1A

Published for Opposition

January 9, 2001

Change In Registration

CHANGE IN REGISTRATION HAS OCCURRED

Registration Number

2439869

Registration Date April 3, 2001

**Owner** 

(REGISTRANT) Schimmelpenninck Sigarenfabrieken v/h Geurts & Van Schuppen BV

CORPORATION NETHERLANDS Nude 28 Wageningen NETHERLANDS

Attorney of

Record

DIANE B. MELNICK

**Prior** 

Registrations

0714624

**Disclaimer** 

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CIGARS" or "HAVANA" APART

FROM THE MARK AS SHOWN

**Description of** 

Mark

The mark consists of a frame design containing the words Schimmelpenninck and Havana, a man's portrait with coins and crests, a ribon, and a design of a hut with palm trees.. The strippling

in the drawing is for shading purposes only.

Type of Mark

**TRADEMARK** 

Register Live/Dead **PRINCIPAL** 

Indicator

LIVE

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**ASSIGN Status** 

#### Typed Drawing

**Word Mark** 

**TARR Status** 

HAVANA HONEYS

TOR

**Goods and Services** 

IC 034. US 002 008 009 017. G & S: Cigars and little cigars made from Cuban seed tobacco.

FIRST USE: 19980717. FIRST USE IN COMMERCE: 19980717

**Mark Drawing Code** 

(1) TYPED DRAWING

**Serial Number** 

75779705

Filing Date

August 20, 1999

**Current Filing Basis** 

Original Filing Basis 1A

Supplemental

**Register Date** 

December 3, 2001

Registration Number 2548553

**Registration Date** 

March 12, 2002

Owner

(REGISTRANT) CIGAR EXPRESS, INC. CORPORATION NEVADA 3133 Industrial Road

Las Vegas NEVADA 89109

(LAST LISTED OWNER) HAVANA HONEYS HOLDINGS, LLC LTD LIAB CO NEVADA 2250

E. TROPICANA SUITE 19 LAS VEGAS NEVADA 89119

**Assignment** 

Recorded

ASSIGNMENT RECORDED

**Attorney of Record** 

Richard C. Woodbridge, Esq.

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAVANA" APART FROM THE

MARK AS SHOWN

Type of Mark

TRADEMARK

Register

SUPPLEMENTAL

Live/Dead Indicator

LIVE

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#### **Typed Drawing**

Word Mark

HAVANA SUNRISE

Goods and **Services** 

IC 034. US 002 008 009 017. G & S: Cigars composed of Cuban seed tobacco, cigar cutters, cases, lighters not of precious metal, and ashtrays. FIRST USE: 19990303. FIRST USE IN

**COMMERCE: 19990303** 

**Mark Drawing** 

Code

(1) TYPED DRAWING

Serial Number

75753734

**Filing Date** 

July 17, 1999

**Current Filing** 

1A

**Original Filing** 

**Basis** 

**Basis** 

**1B** 

**Published for** 

Opposition

April 9, 2002

Registration

Number

2900059

Registration Date November 2, 2004

**Owner** 

(REGISTRANT) INTER AMERICA CIGAR COMPANY CORPORATION FLORIDA 1876 N.W.,

21ST STREET MIAMI FLORIDA 33142

**Assignment** Recorded

ASSIGNMENT RECORDED

Attorney of Record

ROBERT M SCHWARTZ

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAVANA" APART FROM THE

MARK AS SHOWN

Type of Mark

**TRADEMARK** 

Register

**PRINCIPAL** 

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**Word Mark** 

**HABANOS UNICOS DESDE 1492** 

**Translations** 

The English translation of the words "HABANOS UNICOS DESDE" in the mark is "unique Havana

cigars since".

Goods and Services

IC 034. US 002 008 009 017. G & S: raw tobacco, cigars, cigarettes, cut tobacco rappee, matches,

tobacco, tobacco pipes, pipe-holders, ashtrays, match boxes, cigar cases, and humidors

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search** 

ch 05.03.25 - Leaf, single; Other leaves

Code

26.11.21 - Rectangles that are completely or partially shaded

Serial Number

75151320

**Filing Date** 

August 16, 1996

**Current Filing** 

Basis

44E

**Original Filing** 

**Basis** 

1B;44E

Published for Opposition

February 17, 1998

Registration Number

2177837

Registration Date

August 4, 1998

Owner

(REGISTRANT) CORPORACION HABANOS, S.A. CORPORATION CUBA Mercaderes No. 21

Entre O'Reilly y Empedrado Havana CUBA

Attorney of Record

David B. Goldstein

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HABANOS UNICOS DESDE 1492"

APART FROM THE MARK AS SHOWN

**Description of** 

Mark

The mark consists of a black rectangle with the design of a tobacco leaf and the wording "HABANOS UNICOS DESDE 1492.". The mark is lined for the colors red and gold. The lining

composing the design of the tobacco leaf does not indicate color but is a feature of the mark.

Type of Mark

TRADEMARK

Register

**PRINCIPAL** 

**Affidavit Text** 

SECT 8 (6-YR). SECTION 8(10-YR) 20071026.

Renewal

**1ST RENEWAL 20071026** 

Live/Dead Indicator

LIVE

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EXPERIENCE THE NIGHT



HAVANA NIGHTS

**Word Mark** 

**EXPERIENCE THE NIGHT HAVANA NIGHTS** 

Goods and Services

IC 034. US 002 008 009 017. G & S: Cigars produced from Cuban seed tobacco; and lighters, cigar cases, cigar cutters, personal humidors, large humidors, and matches. FIRST USE:

19970515. FIRST USE IN COMMERCE: 19970702

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search** 

01.15.25 - Coal; Dust; Light rays; Liquids, spilling; Pouring liquids; Sand; Spilling liquids

Code 1

10.01.01 - Cigars

Serial Number

75295693

Filing Date

May 21, 1997

**Current Filing** 

1A

Basis
Original Filing

Basis

1B

Published for Opposition

April 25, 2000

Registration

2435483

Number Registration

Date

March 13, 2001

Owner

(REGISTRANT) Alvarez, Jorge INDIVIDUAL CUBA 4205 TRILLAND WAY APEX NORTH

CAROLINA 27502

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE the design of the cigar and the word

"Havana" APART FROM THE MARK AS SHOWN

**Description of** 

Mark

The mark is lined to the colors gold, brown, and gray.

Type of Mark

TRADEMARK

Register

PRINCIPAL

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**Word Mark** 

**HAVANA NIGHTS CIGAR CO. J.A.** 

Goods and Services

IC 034. US 002 008 009 017. G & S: CIGARS PRODUCED FROM CUBAN SEED TOBACCO; AND LIGHTERS, CIGAR CASES, CIGAR CUTTERS, PERSONAL HUMIDORS, LARGE

HUMIDORS, AND MATCHES. FIRST USE: 19970515. FIRST USE IN COMMERCE: 19970702

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search

01.15.05 - Smoke; Steam; Vapor

Code

01.15.13 - Ripple (single wave); Waves, single

05.01.03 - Palm trees

05.03.25 - Leaf, single; Other leaves

10.01.01 - Cigars

26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

Serial Number

75295691

Filing Date

May 21, 1997

**Current Filing** 

Basis

1A

Original Filing Basis

1B

Published for

ID

Published for Opposition

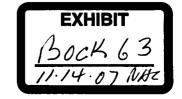
January 11, 2000

Registration Number

2433778

Registration

March 6, 2001



**CURR LIST** 

**Date** 

Owner (REGISTRANT) Alvarez, Jorge INDIVIDUAL CUBA 4205 Triland Way Apex NORTH CAROLINA

27502

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE The design of cigar and wording

"Havana" and "Cigar Co". APART FROM THE MARK AS SHOWN

Description of Mark

The mark consists of the wording "Havana Nights Cigar Co., J.A., and design of a seal with a cigar with three smoke rings, palm trees, island, beach and water, and fern branches. The mark is lined

for the colors gold, green, brown, blue, and gray.

Type of Mark

**TRADEMARK** 

Register

**PRINCIPAL** 

Live/Dead Indicator

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TARR Status

**ASSIGN Status** 

TOR

TTAB Status

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Browser to return to TESS)



**Word Mark** 

**HAVANA SWEETS** 

Goods and Services IC 034. US 002 008 009 017. G & S: cigars, little cigars, pipe tobacco, roll-your-own cigarette tobacco, and smolteless tobacco all containing tobacco grown from Cuban tobacco seeds. FIRST

USE: 19980917, FIRST USE IN COMMERCE: 19980917

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

01.01.03 - Star - a single star with five points 01.07.01 - Globes with outlines of continents 01.17.13 - Islands, maps of; Maps of islands

26.11.02 - Plain single line rectangles; Rectangles (single line)

20.11.02 - Plain Single line rectangles, Rectangles (single line)

26.11.28 - Miscellaneous designs with overall rectangular shape; Rectangular shapes

(miscellaneous overall shape)

**Serial Number** 

75142788 July 31, 1996

Filing Date
Current Filing

1A

Basis
Original Filing

.\_

Basis

1B

**Published for Opposition** 

July 1, 1997

Change In Registration

**CHANGE IN REGISTRATION HAS OCCURRED** 

Registration

2571691

EXHIBIT
BOCK 64
11.14.07 RAC

Number

Registration

May 21, 2002

**Date Owner** 

(REGISTRANT) MAX ROHR, INC. CORPORATION DELAWARE 300 DELAWARE AVENUE

WILMINGTON DELAWARE 19801

**Assignment** Recorded

ASSIGNMENT RECORDED

Attorney of Record

Charles W. Grimes

**Disclaimer** 

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAVANA" and "SWEETS" and the

design of Islands which compose Cuba APART FROM THE MARK AS SHOWN

**Description of** Mark

The mark consists of the words "HAVANA" and "SWEETS" and a design which includes a frame.

the outline of the Islands which form Cuba, meridian lines, and an encircled star.

Type of Mark

TRADEMARK

Register

**PRINCIPAL** 

Live/Dead

LIVE

Indicator

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**TARR Status ASSIGN Status** TOR TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)

#### Typed Drawing

**Word Mark** 

**HAVANA RESERVE DON LINO** 

**Translations** 

The word "DON" is a salutation term such as "Mr." and the Spanish word "LINO" translates to

"linen" in the English Language.

Goods and Services

IC 034. US 002 008 009 017. G & S: Tobacco products, namely, cigars made from Cuban seed

Tobacce, FIRST USE: 19910714, FIRST USE IN COMMERCE: 19910714

Mark Drawing

Code

(1) TYPED DRAWING

Serial Number

75327284

Filing Date

July 19, 1997

**Current Filing** 

**Basis** 

**1A** 

**Original Filing** 

**Basis** 

**1A** 

**Published for** 

Opposition

June 6, 2000

Registration

Number

2380225

**Registration Date** 

August 29, 2000

Owner

(REGISTRANT) Miami Cigar & Co. CORPORATION FLORIDA 2533 NW 74 Ave. Miami

FLORIDA 33122

Attorney of Record JAY SANCHELIMA

**Prior Registrations 1939998** 

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MARK AS SHOWN

Type of Mark

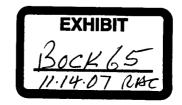
**TRADEMARK** 

Register

**PRINCIPAL** 

**Affidavit Text** 

SECT 15. SECT 8 (6-YR).



Other Data Applicant's knowledge it does not refer to a living individual. Live/Dead Indicator LIVE

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**ASSIGN Status TARR Status** TDR TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)

#### Typed Drawing

Word Mark

ROYAL HAVANA

Goods and Services

IC 034. US 002 008 009 017. G & S; CIGARS GROWN FROM CUBAN TOBACCO SEED FROM

THE HAVANA REGION. FIRST USE: 20020115. FIRST USE IN COMMERCE: 20020115

**Mark Drawing** 

Code

(1) TYPED DRAWING

**Serial Number** 

75369237

**Filing Date** 

October 7, 1997

**Current Filing** 

**Basis** 

**1A** 

**Original Filing** 

**Basis** 

1B

**Published for** Opposition

October 27, 1998

Registration Number

2574011

Registration Date May 28, 2002

**Owner** 

(REGISTRANT) MAX ROHR, INC. CORPORATION DELAWARE 300 DELAWARE AVENUE **WLMINGTON DELAWARE 19801** 

**Assignment** 

Recorded

ASSIGNMENT RECORDED

Attorney of Record

JAMES G COPLIT

**Disclaimer** 

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MARK AS SHOWN

Type of Mark

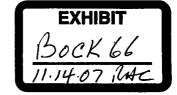
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**PRINCIPAL** 

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## Typed Drawing

Word Mark

**EL RICO HABANO** 

**Translations** 

The mark is translated as "the rich Havana cigar".

Goods and Services IC 034. US 002 008 009 017. G & S: cigars made from Cuban seed tobacco. FIRST USE:

19710408. FIRST USE IN COMMERCE: 19710412

Mark Drawing Code (1) TYPED DRAWING

Serial Number

75319581

**Filing Date** 

July 3, 1997

**Current Filing Basis 1A** 

Original Filing

**Basis** 

1A

**Published for** 

Opposition

July 21, 1998

Registration

Number

2195303

**Registration Date** 

October 13, 1998

Owner

(REGISTRANT) P. CERLIS CORP. DBA EL CREDITO CIGARS CORPORATION FLORIDA

1106 S.W. 8th Street Miami FLORIDA 33130

(LAST LISTED OWNER) INTERMATCH SWEDEN AB CORPORATION SWEDEN

ROSENLUNDSGATAN 36 SE-118 85 STOCKHOLM SWEDEN

Assignment

Recorded

ASSIGNMENT RECORDED

Attorney of Record

SCOTT GREENBERG

**Prior Registrations** 

0996302

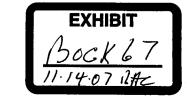
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MARK AS SHOWN

Type of Mark

**TRADEMARK** 



Register

PRINCIPAL-2(F)

**Affidavit Text** 

SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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Start List At:

OR Jump to record:

RECORD 50700 HELP PREV LIST CURR LIST

CURR LIST

RECORD 159 OUT Of 159

**TTAB Status** 

TARR Status ASSIGN Status TDR

Browser to return to TESS)



Word Mark REPUBLICA DE CUBA CUBAN GOVERNMENT'S WARRANTY FOR CIGAARS EXPORTED

FROM HAVANA SELLO DE GARANTIA NACIONAL DE PROCEDENCIA PARA TABACOS

Goods and Services IC A. US A. G & S: Cigars and Cut Tobacco. FIRST USE: 19300505. FIRST USE IN

COMMERCE: 19300505

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search

06.09.25 - Cemeteries

Code

24.01.02 - Shields or crests with figurative elements contained therein or superimposed thereon

26.03.02 - Ovals, plain single line; Plain single line ovals 26.03.13 - Ovals, exactly two (not concentric); Two ovals

**Serial Number** 

72153423

**Filing Date** 

September 18, 1962

Current Filing Basis

1A

**Original Filing** 

.g.....

1A

Basis Registration

Registration Number

0756558

Registration Date

September 10, 1963

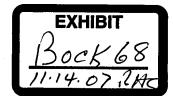
Owner

(REGISTRANT) Republic of Cuba UNKNOWN LA HABANA Havana CUBA

Disclaimer

The exclusive use of the individual words is disclaimed apart from the mark as shown in the

drawing, all common law rights to the mark as a whole being reserved.



**Type of Mark** 

**CERTIFICATION MARK** 

Register

**PRINCIPAL** 

**Affidavit Text** 

SECTION 8(10-YR) 20040717.

Renewal

2ND RENEWAL 20040717

Other Data

THE MARK CERTIFIES THE ORIGIN OF THE TOBACCO PRODUCTS WITH WHICH THE MARK

IS USED.

Live/Dead Indicator

LIVE



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1 of 1

Number

479

Date

27.12.1967

Holder

Empresa Cubana del Tabaco (Cubatabaco)

Appellation

**HABANA** 

**Publication** 

N° 3: 09/1968

Country of Origin

CU

Nice Classification 34

**Product** 

Tabac en branche ou manufacturé, ainsi que les produits

élaborés avec ce tabac / Leaf or manufactured tobacco, as well as products made with such tobacco / Tabaco en rama o manufacturado, así como los productos elaborados con este

tabaco

Area of Production Province de La Havane / Province of Havana / Provincia de La

Habana

Legal basis

Décret N° 3599 du 23 novembre 1967 / Decree N° 3599 of

November 23, 1967 / Decreto 3599 de 23 de noviembre de

1967

Refusal

MX - 08.08.1969

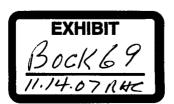
Language

Français / French / Francés

Note

À l'égard des enregistrements internationaux effectués à partir du 1er avril 2002, les traductions de l'appellation d'origine et, le cas échéant, leur translittération, figurent dans des rubriques distinctes de celle de l'appellation d'origine elle-même / With regard to international registrations effected from April 1, 2002 onwards, the translation of an appellation of origin and, where relevant, its transliteration, will appear under a heading separate from that of the appellation of origin itself / Con respecto a los registros internacionales efectuados a partir del 1° de abril de 2002, las traducciones de las denominaciones de origen y, cuando sea pertinente, sus transcripciones, deberán aparecer bajo títulos diferentes de aquellos relativos a dichas

denominaciones de origen





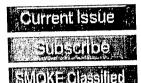
## **Feature Article**

Spring, 2004 Volume IX, Issue 2



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# A Tale of Two Seeds

By Mark Bernardo

Criollo and Corojo - twin legacies of Cuba's historic cigar making heritage - are the hottest leaf varieties out there, and they're more different, and similar, than you realize.

"Everything old is new again" may be an overused phrase, but for those who follow the evolution of fashion, or automobiles, or architecture - for anyone, in fact, who's ever seen his favorite (or least favorite)

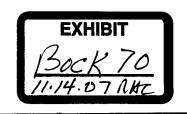
childhood TV program remade into a big-budget movie - its accuracy can scarcely be debated. The swinging of the cultural pendulum, between fascination with the new to nostalgia for the old, is a phenomenon that touches nearly all fields of industry. Cigar making is no exception.

Take the case of the hottest "new" tobaccos in the premium cigar market, Corojo and Criollo, both of which are not really new at all, but rather new versions of very old strains from Cuba. Their popularity is testament to the allure and fascination that the cradle of cigar making still holds for cigar makers and smokers alike, no matter how much of an identity that nations like Honduras, Nicaragua, and the Dominican Republic have carved out for themselves and their native tobaccos.

Interestingly, however, the Cubans themselves no longer use either of these venerated seeds, at least in their original form. Several factors - most notably yield and susceptibility to leaf diseases - led the island's agriculturists to the creation of hybrids, crossbreeding the original seeds with others to create more resilient tobacco. For the most part, these hybrids have taken over the names and roles of the originals, and most cigars sold in the U.S. that use the names "Corojo" or "Criollo" incorporate these seeds rather than the increasingly rare Cuban originals. Most, that is, but not all.



Like most matters in today's cigar business, the authenticity of the names "Corojo" and "Criollo" is a matter of wide debate, with the truth falling somewhere in between marketing and reality.





## THE TREASURE OF THE VUELTA ABAJO

Whereas the first U.S.-sold cigars to use the term appeared less than a decade ago, the story of Corojo actually hearkens back to the 1930s, to a farm in Cuba's legendary Vuelta Abajo region named Santa Ines del Corojo. There a tobacco farmer named Diego Rodriguez first developed the seed, which was named for the farm (or vega) where it was born. For many years, Corojo proved to be the ideal wrapper leaf for many Cuban cigars. But, as recently as the 1990s, the strain's notorious vulnerability to tobacco-ravaging diseases such as Blue Mold drove Cuba's genetic engineers to create crossbred seeds that would



not only be disease-resistant, but also make for a comparably great cigar wrapper.



The first of these experiments that most American cigar enthusiasts became aware of was Habana 2000, which was widely touted, and aggressively marketed by cigar manufacturers, during the height of the 1990s cigar boom. Habana 2K, as it became known, was actually a crossbreed of true Corojo and a Cuban cigarette tobacco called Bell 61-10 (At one point, it was incorrectly rumored to have been a Cuban seed/Connecticut shade cross). Whereas some good cigars today still utilize the Habana 2K wrapper (the Henry Clay Habana 2000 actually uses it in its brand name as well), this overhyped hybrid seemed to fall out of favor in the "post-Boom" era, mostly due to widely reported burn problems, and manufacturers' claims that it was difficult to ferment. Then came Criollo '98 and Corojo '99, which have been described as improvements on Habana 2K and, in some quarters, also rumored to be Cuba/Connecticut hybrids.



Christian Eiroa, the second-generation cigar master who runs. Caribe Imported Cigars in Danli, Honduras, is firmly in the camp of those believing that only true, non-hybrid Corojo is worthy of the designation. His Camacho cigars are made entirely of authentic Cuban-seed Corojo and Criollo tobacco grown by his father Julio in Honduras's Jamastran Valley. "We got our Corojo seeds directly from Daniel Rodriguez, the grandson of Diego Rodriguez," he says, referring to the seed's creator. "We have been growing Corojo and Criollo since the 1960s. We refuse to use hybrids and call it Corojo."



Knowing the seeds' origin, it is difficult to dispute the Eiroas' cigars as the most direct descendants of the classic Cubans of yesteryear. However, as the Cubans are not in the business of exporting seeds, the methods of attaining them would fit well into a Cold War-era spy movie. "There are always people willing to smuggle seeds," Eiroa reveals, speaking generally. "Normally, they have pouches inside their belts, or inside the zipper of their pants. Basically, anywhere that you or I would not think of."



Asked if the Corojo seeds used in his cigars are still susceptible to the diseases that essentially wiped the strain from its native Cuba, Eiroa simply responds, "Yes. To every single one." However, the seed's ingrained weaknesses may be somewhat offset by its adaptability to the Honduran climate. "From our experience, this tobacco yields exceptionally well in the Jamastran Valley," Eiroa explains. "This is rich soil here that loves to give strong, full-bodied tobacco. Corojo also needs the sun. It loves it." The cigartasting community feels largely the same about the Camacho Corojo (Cubanseed Corojo from wrapper to filler) and the Camacho Havana (Criollo wrapper

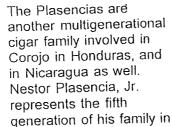


PURO EXPRESS

Cuban Cigars

DELIVERED

and Corojo filler and binder), two of Caribe's most popular Honduran puros.



the business. Their five factories - three in Honduras, two in Nicaragua - produce



Corojo leaf, developed in Cuba as wrapper, can yield spicy filler when grown in the sun; conversely, Criollo, often intended as filler, makes for a tasty wrapper when grown under shade.

cigars for a wide assortment of companies, including several of their own brands, notably the Plasencia Organica, a cigar whose tobacco is grown and processed using no pesticides or chemicals. This method of growing requires the tobacco crop to be largely disease-resistant, which is one reason Plasencia, in contrast to Eiroa, has embraced the sturdier, modern hybrid versions of both Corojo and Criollo "These seeds are like brothers of the same parent," he says of the two strains. "Slightly different, but with the same genes. The old ones are very susceptible to blue mold, and almost impossible to grow." Plasencia does acknowledge some aesthetic and physical differences between modern Corojo and Criollo: the former is especially resistant to the disease black shank; is generally sweeter in terms of taste, and is more colorado (dark, reddish brown) in color. And while it is largely grown to yield wrapper, as it was in Cuba, some Corojo ends up in filler blends as well, especially if the leaves are sun-grown, or too small for wrapper. A bit of Corojo can add some "oomph" to a cigar's filler, as in La Perla Habana's Black Pearl line, one of the first to utilize it as a regular ingredient in its blend.



Sarasota, Florida-based DomRey Cigar Company grows the hybrid Corojo in Ecuador for use in its Cusano Corojo brand of cigars, made in the Dominican Republic. Company president Michael Chiusano let his feelings on his brand's authenticity be known in a 2001 interview with Smoke's sister publication, Smokeshop, a magazine for the tobacco retail industry. "You can make an orange pest-resistant without turning it into something other than an orange," he remarked, pointing out that the Cubans themselves were the ones who crossed their original seed over with others.

Another Corojo cigar to come out of the Dominican Republic is the long-awaited La Aurora Cien Años (100 years), a specially aged cigar celebrating La Aurora's centennial. The wrapper was a fairly bold experiment: Cuban Corojo seed grown in the D.R., a nation still not well renowned for producing quality wrapper in large quantity. La Aurora sales director Jose Blanco reveals that the wrapper yield from the Dominican Corojo crop is only 30 to 35 percent, with the remainder going into filler. As one would expect, the cigar is quite expensive, and quite limited in quantity. In the Honduras facility owned by Tampa-based U.S. Cigar Sales, Inc., original seeds from the Rodriguez's Cuban farm were used to grow the tobacco used in the company's Vega Talanga Corojo series cigars, launched last year. U.S. Cigar representative Larry Palombo echoes the Eiroas' comments on the difficulties in growing the disease-vulnerable strain: "It's not enough to be a good farmer; you must also have luck with the weather." Palombo offers a cagey answer when asked how the Cuban seeds got to Honduras. "Suffice it to say, we know exactly where they come from."

One of the first U.S.-marketed cigars with Corojo in its name - and still one of







the most popular - is the Punch Rare Corojo, made in Honduras by General Cigar's Villazon and Co. under the supervision of seasoned cigar master Daniel Nuñez. Ironically, this cigar has no connection to the original Cuban Corojo seed whatsoever. Its wrapper is a dark, oily Ecuadorian Sumatra leaf that was grown to approximate the look and feel of the classic Cubans. The company acknowledges that the "Rare" in the name is more spot-on than the "Corojo," and yet this is undeniably a cigar with a spicy, Cubanesque character.

Nuñez has worked with many different types of tobacco in his long career, and recalls seeing an assortment of first-generation Cuban seeds back around 1972 - though he believes that these are quite rare. "Most of the products I see on the market today are actually these seeds crossed with other seeds," he says. Meanwhile, despite the fact that his Punch cigar is Corojo in name only, Nuñez revealed that he is experimentally growing genuine, original Corojo seed in Honduras, and the results have been, in his view, successful. "It is probably one of the best-tasting tobaccos I've ever had in my hands," he says. "The disadvantage is that it is very low-yield. It's a trade-off." The perfected tobacco, which has been in the works since about 1994, will likely be used on a future limited edition cigar from General, sure to be highly coveted.



Continued on next page...





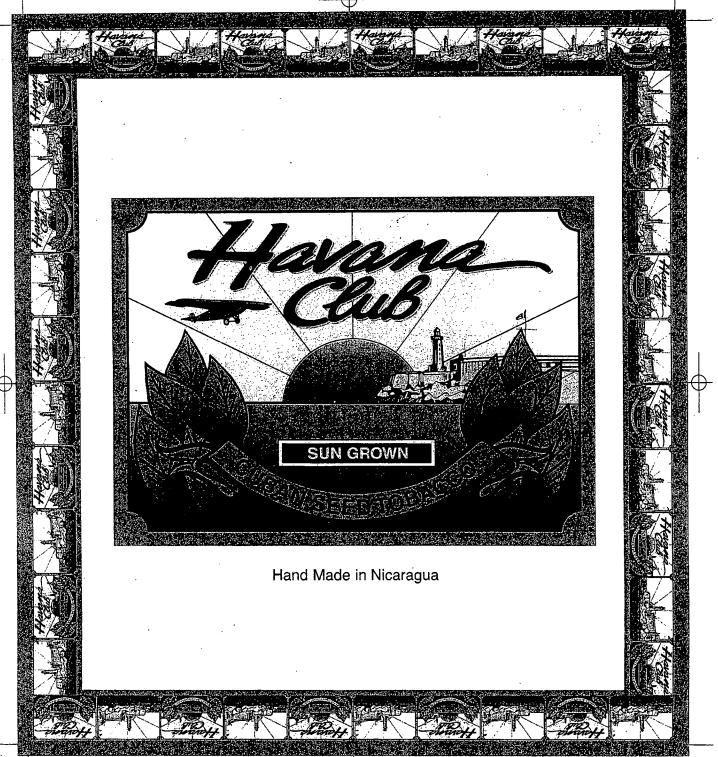
# Santiago Cabana is Back!

The master blender from Cuba returns with a new six-country blend. So rich and complex you'll swear you're smoking a Cuban - the Et. ORIGINAL

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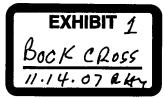
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Perelman's
Pocket Cyclopedia
of Cigars
2005 edition



EXHIBIT 1
GOMEZ (ROSS
11.14.07 RAC

# Perelman's Pocket Cyclopedia of Cigars

2005 edition

Compiled by

Richard B. Perelman

Published by

PERELMAN PIONEER & COMPANY

Los Angeles, California

#### On the Cover

The Cigar Store Indian, a familiar symbol of tobacco in the United States. This model was created by Sedler's Signpost, one of the leading sculptors of Cigar Store Indians in the country. For more information, visit www.CigarIndian.com or call (978) 363-8889.

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ISBN 1-893273-05-09

Published in Los Angeles, California, USA. First printing 2004. Printed by Pace Lithographers of Industry, California.

Please address inquiries to:

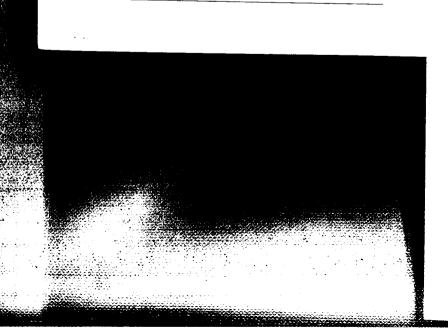
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DIONEER &
COMPANY

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Authoritative coverage of cigars, accessories, issues and people



HANDMADE CIGARS: BRAND LISTINGS

		210	TIAIN	, L12	TINGS
Shape	Name		T	7	
Long Corona	Corona		Lgth	Ring	Wrapper
Robusto	Robusto		61/8	43	СМ
Grand Corona	Corona Extra		51/4	52	СМ
Churchill	Churchill Churchill		6	46	СМ
Torpedo			7	48	СМ
Previously known	Torpedo		6½	52	СМ

Previously known as Occidental Havana Sun Grown, this blend is distributed by the Alec Bradley Cigar Co. and was developed and executed under the respected eye of Hendrik Kelner, debuting in 2001. It offers a medium-to-full-bodied flavor featuring a unique, sun-grown wrapper from Ecuador using hybrid seeds that marry characteristics of both Piloto Cubano and Connecticut tobaccos. It is offered in boxes of

HAVANA SUNRISE ★New★ BY CARLOS BELTRAN

Handmade in Santiago, Dominican Republic

Wrapper: Ecuador	Binder: Hondurgs Fin	inican	Repu	blic.
Shape	Binder: Honduras Fills  Name	er: Dom.	Rep., F	londuras. Nicaragua
Robusto	Robusto	Lgth	Ring	Wrapper
Long Corona	Corona	5	50	cc
Churchill	Havanas	6	44	cc
Double Corona	Churchill	7	48	CC
Torpedo		71/2	50	CC
Toro	Torpedo	61/4	54	CC
This	Emperador	61/4	54	CC

This is a mild-to-medium blend introduced in 2004, featuring an Ecuadorian-grown, Connecticut shade-grown wrapper. It's available in all-cedar boxes of 25.

 $H_{AVANA} \ V_{ERDE}$ 

Handmade in Danli, Honduras.

Binder: Honduras

Filler: Dom. Rep., Honduras

www.CigarCyclopedia.com

Wrapper: Indonesia

- 265 -

www.CigarCyclopedia.com





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#### Havana Sunrise



Havana Sunrise Cigars, This cigar boom brand was once very well known. Well its back and better then ever, These cigars are now made in Honduras using 100% long leaf tobaccos.









#### Click Here For larger Image

wrapper: Ecuador

Binder:

Honduras

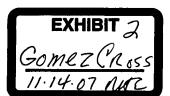
Dominican, Nicaragua, Honduras

Mild-Medium

Size	Strength	Box Qty	M.S.R.P.	Price	
	Gacagai	-			1
5.00x50		25	\$82.00	\$51.25	BUV
					BUY
		Cigars	M.S.R.P.	Price	1
		10	\$32.80	\$22.96	
					BUY
		Cigars	M.S.R.P.	Price	
		5	\$16,40	\$12.14	1
		•	¥.5.40	Ψ·2.17	BUY

WARNING Cigar5packs.com does not sell tobacco or tobacco related products to anyone under the age of 18.

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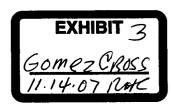
# **Statement of Use Filing**

### The table below presents the data as entered.

SERIAL NUMBER	75753734	
LAW OFFICE ASSIGNED	LAW OFFICE 111	
NOTICE OF ALLOWANCE	YES	
EXTENSION OF USE	NO	
MARK SECTION		
MARK	HAVANA SUNRISE	
OWNER SECTION (no change)		
GOODS AND/OR SERVICES SECTION		
INTERNATIONAL CLASS	034	
KEEP EXISTING GOODS AND/OR SERVICES	YES	
FIRST USE ANYWHERE DATE	03/03/1999	
FIRST USE IN COMMERCE DATE	03/03/1999	
SPECIMEN FILE NAME(S)	\\ticrs\EXPORT10\IMAGEOUT 10\757\537\75753734\xm11\ SOU0002.JPG	
SPECIMEN DESCRIPTION	Scanned cigar label	
PAYMENT SECTION		
NUMBER OF CLASSES	1	
SUBTOTAL AMOUNT	100	
TOTAL AMOUNT	100	
SIGNATURE SECTION		
SIGNATORY FILE	Signature	
SIGNATORY NAME	Benjamin Gomez, Jr.	
SIGNATORY POSITION	President Date signed: July 21, 2004	
FILING INFORMATION		
SUBMIT DATE	Tue Jul 27 19:20:43 EDT 2004	
TEAS STAMP	USPTO/SOU-172.30.230.5-20 040727192043761104-757537 34-200df90452db55de3b3b7a 68696cc2284e9-RAM-493-200 40727191853968042	



OMB Control : 0651-0009 (Exp. 06.30/2005).



# Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

To the Commissioner for Trademarks:

MARK: HAVANA SUNRISE SERIAL NUMBER: 75753734

This Allegation of Use is being filed after a Notice of Allowance has issued.

The applicant, INTER AMERICA CIGAR COMPANY, residing at 1876 N.W., 21ST STREET, MIAMI, FL US 33142, is using or is using through a related company or licensee the mark in commerce on or in connection with the goods and/or services as follows:

For International Class: 034, the applicant, or the applicant's related company or licensee, is using the mark in commerce on or in connection with all goods and/or services listed in the application or Notice of Allowance.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 03/03/1999, and first used in commerce at least as early as 03/03/1999, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Scanned cigar label.

Specimen-1

A fee payment in the amount of \$100 will be submitted with the form, representing payment for 1 class.

APPLICANT NAME:

INTER AMERICA CIGAR COMPANY

MARK:

HAVANA SUNRISE

#### Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signatory's Name: Benjamin Gomez, Jr.

Signatory's Position: President Date signed: July 21, 2004

Signatory File Signature RAM Sale Number: 493

RAM Accounting Date: 07/28/2004

Serial Number: 75753734

Internet Transmission Date: Tue Jul 27 19:20:43 EDT 2004 TEAS Stamp: USPTO/SOU-172.30.230.5-20040727192043761

104-75753734-200df90452db55de3b3b7a68696 cc2284e9-RAM-493-20040727191853968042

Go Back



Serial No. 75/753734 Attorney Docket No. 42897-0007

#### DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this Statement of Use on behalf of the Applicant; he believes the Applicant to be the owner of the mark sought to be registered; the mark is now in use in commerce; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Date: July 21, 2014

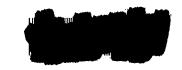
INTER AMERICA CIGAR COMPANY

Benjamin Gomez,

President

## FEE RECORD SHEET

Serial Number: 75753734



\$100

**Total Fees:** RAM Sale Number: 493

**RAM Accounting Date: 20040728** 

<u>Transaction</u>	Fee <u>Code</u>	Transaction <u>Date</u>	Fee per <u>Class</u>	Number of Classes	Total <u>Fee</u>
Statement of Use (SOU)	7003	20040727	\$100	1	\$100

**Transaction Date:** 20040727



TTAB

# UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Inter-America Cigar Company

Opposer,

VS.

Opposition No. 91/125,848

Pedro Bello, Sr.

Applicant.

11-10-2003

#### OPPOSER'S NOTICE OF WITHDRAWAL OF ITS OPPOSITION

Pursuant to the Final Consent Order and the Settlement Agreement incorporated therein in the matter of Cuban Leaf Tobacco Co. d/b/a Havana Sunrise Cigar Co. vs. Inter America Cigar Company and Benjamin Gomez, Jr., United States District Court for the Southern District of Florida Case No. 02-23288-CIV-UNGARO/BENAGES, copies of which are attached as Composite Exhibit "A," Opposer, Inter-America Cigar Company, hereby withdraws its opposition to the trademark application of Pedro Bello, Sr., without prejudice.

#### **CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that a true and correct copy of the foregoing and all exhibits have been forwarded by U.S. Mail to: Susan H. Aprill, Esquire, Susan H. Aprill, P.A., 2600 One Biscayne Tower, 2 So. Biscayne Blvd., Miami, Florida 33131, this \_\_\_\_\_\_ day of November, 2003.

Respectfully submitted,

RUDEN, McCLOSKY, SMITH, SCHUSTER & RUSSELL, P.A. Attorneys for Inter America Cigar Company Post Office Box 1900 (200 East Broward Blvd., 15<sup>th</sup> Floor – 33301) Fort Lauderdale, Florida 33302 (954) 764-6660; (954) 764-4996 (Eax)

By:

Robert M. Schwartz

Linda K. Davis

EXHIBIT4

Gomez Cross

11-1407 RAC

FTL:1122572:1

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

CASE NO. 02-23288 CIV-UNGARO/BENAGES

CUBAN LEAF TOBACCO CO., d/b/a IIAVANA SUNRISE CIGAR CO.,

Plaintiff,

٧.

INTER AMERICA CIGAR COMPANY and BENJAMIN GOMEZ, JR.,

Defendants.

FILED by JOL D.C.

AUG 2 9 2003

CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

#### **FINAL CONSENT ORDER**

THIS CAUSE came on to be heard on the parties' Stipulation to Entry of Final Consent Order (the "Stipulation"), and the Court, having considered the Stipulation and being otherwise fully advised in the premises, orders as follows:

- 1. The Court adopts as the Final Consent Order in this matter the Settlement Agreement executed by the parties and their counsel on August 18, 2003, as amended by interlineation, a copy of which is attached to the Stipulation as Exhibit "A."
- 2. The Court retains jurisdiction to enforce the terms of the Settlement Agreement and for any other appropriate purpose, as necessary.

DONE and ORDERED in Chambers at Miami. Florida, this 2 day of August, 2003.

UNITED STATES DISTRICT JUDGE

copies provided to:

Susan H. Aprill, SUSAN H. APRILL, P.A., Attorneys to Plaintiff and Pedro Bello, Sr., 2600 One Biscayne Tower, 2 So. Biscayne Blvd., Miami, Fl. 33131

Kevin J. O'Grady and Linda K. Davis, Ruden, McClosky, Smith, Schuster & Russell, P.A., Attorneys to Inter America Cigar Company and Benjamin Gomez, Jr., P.O. Box 1900, Ft. Lauderdale, Ft. 33302

COMPOSITE EXHIBIT A

55-05 08-27-03 D7:43 From-RUDEN McCLOSKY 14 FL ST

T-034 P 02/04 F-145

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

CASE NO. 02-23299-CIV-UNGARO-BENAGES

CUBAN LEAF TOBACCO CO.,

Plaintiff.

٧ĸ

INTER AMERICA CIGAR COMPANY and BENJAMIN GOMEZ, IR.,

#### SETTLEMENT AGREEMENT

This Cause, having been submitted to mediation before Melvin Rubin, Esquire, Mediator, upon Order of the above-styled Court and/or stipulation of the parties, it is hereby stipulated and agreed between said parties that aettlement has been reached as follows this 18th day of August, 2003. This Sentement Agreement is binding on all parties to this lawsuit, Carlos Beltran, and Pedro Bello, Ir., and the signatories agree that they have full and final authority to settle this cause by the following terms

- Cuban Leaf Tobacco Co. ("Cuban Leaf") shall pay Inter America Cigar Company ("Inter America") the sum of \$125,000.00 payable as follows: \$25,000.00 received on or before September 30, 2003; \$25,000.00 received on or before October 31, 2003; \$25,000.00 received on or before November 30, 2003; \$25,000.00 received on or before December 31, 2003; and a final payment of \$25,000.00 received on or before January 31, 2004 (collectively, "the Payments").
- 2. In consideration of the Paymont. Inter America agrees that it shall not use activities the trademark "Sunrise Reserve" from the date of this Settlement.

  Agreement forward. Inter America further agrees that it shall not use or seek to register any trademark anywhere in the world containing the world "Sunrise" on or in connection with a tobacco product or a domain name that includes "Hayana Sunrise."
- All payments shall be made payable to Ruden, McClosky, Smith, Schuster & Russell, P.A. Trust Account and mailed or delivered by hand to: Ruden, McClosky, Smith, Schuster & Russell, P.A. ("Ruden McClosky"), Post Office Box 1900, Fort Lauderdale, Florida 33302, Attention: Linda K. Davis, Esquire.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

CASE NO. 02-23299-CIV-UNGARO-BENAGES

CUBAN LEAF TOBACCO CO.,

Plaintiff,

VS.

INTER AMERICA CIGAR COMPANY and BENJAMIN GOMEZ, JR.,

#### SETTLEMENT AGREEMENT

This Cause, having been submitted to mediation before Melvin Rubin, Esquire, Mediator, upon Order of the above-styled Court and/or stipulation of the parties, it is hereby stipulated and agreed between said parties that settlement has been reached as follows this 18<sup>th</sup> day of August, 2003. This Settlement Agreement is binding on all parties to this lawsuit, Carlos Beltran, and Pedro Bello, Jr., and the signatories agree that they have full and final authority to settle this cause by the following terms:

- Cuban Leaf Tobacco Co. ("Cuban Leaf") shall pay Inter America Cigar Company ("Inter America") the sum of \$125,000.00 payable as follows: \$25,000.00 received on or before September 30, 2003; \$25,000.00 received on or before October 31, 2003; \$25,000.00 received on or before November 30, 2003; \$25,000.00 received on or before December 31, 2003; and a final payment of \$25,000.00 received on or before January 31, 2004 (collectively, "the Payments").
- 2. In consideration of the Payments, Inter America agrees that it shall not use the trademark "Sunrise Reserve" from the date of this Settlement Agreement forward. Inter America further agrees that it shall not use or seek to register any trademark anywhere in the world containing the word "Sunrise" on or in connection with a tobacco product or a domain name that includes "Havana Sunrise."
- 3. All payments shall be made payable to Ruden, McClosky, Smith, Schuster & Russell, P.A. Trust Account and mailed or delivered by hand to: Ruden, McClosky, Smith, Schuster & Russell, P.A. ("Ruden McClosky"), Post Office Box 1900, Fort Lauderdale, Florida 33302, Attention: Linda K. Davis, Esquire.

- 4. Cuban Leaf's failure to make any payment as specified constitutes a default of this Settlement Agreement. In the event of Cuban Leaf's default, Ruden McClosky shall give counsel to Cuban Leaf, Susan H. Aprill, written notice of Cuban Leaf's default and Cuban Leaf shall have three (3) days from the date of notification to cure its default. In the event of Cuban Leaf's default, all rights to the trademark "Havana Sunrise" (the "Mark") shall transfer to and be owned by Inter America from the date of default. In the event of Cuban Leaf's default, Cuban Leaf, Pedro Bello, Jr., and Pedro Bello, Sr., their successors and assigns, and any entity of which they individually or collectively have an ownership interest, shall not make any claims to the Mark and shall assign their interests in the Mark to Inter America.
- 5. In the event of Cuban Leaf's default, Cuban Leaf agrees that Inter America shall retain any payment(s) made by Cuban Leaf.
- Inter America agrees that it shall execute the necessary documentation 6. transferring ownership of the Mark, together with the associated goodwill, and all registrations or applications for the Mark to Pedro Bello, Sr. within ten (10) days of the date of this Settlement Agreement, the forms of which shall be agreed to by counsel. Cuban Leaf and Pedro Bello, Sr. agree to execute, within ten (10) days of the date of this Settlement Agreement, the necessary documentation transferring ownership of the Mark, together with the associated goodwill, and all registrations or applications for the Mark to Inter America, the forms of which shall be agreed to by counsel. The parties further agree that such executed documentation shall be held in escrow by the parties' respective attorneys' until Cuban Leaf makes final payment as agreed or in the event of a default by Cuban Leaf. Upon full and final payment by Cuban Leaf, Inter America agrees that all ownership documentation executed by Cuban Leaf and Pedro Bello, Sr. shall be null and void and the documentation transferring ownership to Cuban Leaf shall become immediately effective. Alternatively, upon Cuban Leaf's default, Cuban Leaf agrees that all ownership documentation executed by Inter America shall be null and void and the documentation transferring ownership to Inter America shall become immediately effective.
- The parties agree to dismiss with projudice all pending claims in the above styled lawsuit within ten (10) days of the execution of this Settlement. Agreement. The parties further agree to execute General Releases that shall be held in escrow by the parties' respective attorneys until such time that Cuban Leaf makes payment in full or in the event of a default by Cuban Leaf. In the event of Cuban Leaf's default, all releases are null and void.

- 8. Within ten (10) days of the date of this Settlement Agreement, Carlos Beltran, Pedro Bello, Sr. and Pedro Bello, Jr. agree to execute General Releases related to any and all claims that were or could have been brought by either individually against the other or as shareholders or representatives of Sun Trade Group, Inc. or Tabacalera "Las Villas" P. Bello y Cia. Carlos Beltran, Pedro Bello, Sr., and Pedro Bello, Jr. further agree that the executed General Releases shall be held in escrow by the parties' respective attorneys until such time that Cuban Leaf makes payment in full or in the event of a default by Cuban Leaf. In the event of Cuban Leaf's default, all releases are null and void.
- 9. The parties agree that they shall each bear their own attorneys' fees and costs related to this matter.
- Inter America agrees that it shall not order, manufacture, or purchase new inventory of Havana Sunrise cigars as of the date of this Settlement Agreement. Inter America further agrees that it shall cease to use, order, manufacture, sell, offer for sale, market, import, export, or distribute any and all products bearing the Mark after October 1, 2003. Upon full and final payment by Cuban Leaf, Inter America agrees that it shall destroy any inventory bearing the Mark, including seals of guaranty, boxes, bands, rings, and the like, and will provide counsel for Cuban Leaf certification, under oath, to that effect.
- 11. The parties agree that the Court retains jurisdiction to enforce the terms of this Settlement Agreement.

Inter America Cigar Company	Cuban Leaf Tobacco Co.
By: Day Many	By: 10 llo, Ja
Benjamin Gomez, Jr.	Pedro Bello, Jr.
A me Many	Mel Bello su
Benjamin Gomez, Jr.	Pedro Bello, Şr. by Pedro Bello, Jr.
and better	Alle, se
Carlos Beltran	Pedro Bello, Jr.
Linda K. 2	BHeyniel
Linda K. Davis, Esquire	Susan H. Aprill, Esquire
Ruden, McClosky, Smith,	Susan H. Aprill, P.A.
Schuster & Russell, P.A.	Attorneys for Cuban Leaf Tobacco,
Deliusiei de reasserr, r r.	

Co., and Pedro Bello, Sr.

Attorneys for Inter America Cigar Company

and Benjamin Gomez, Jr.

UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office Trademark Trial and Appeal Board 2900 Crystal Drive Arlington, Virginia 22202-3513

Mailed: January 6, 2004

Opposition No. 91125848

INTER-AMERICAN CIGAR COMPANY

v.

PEDRO BELLO, SR.

#### Frances S. Wolfson, Interlocutory Attorney:

On November 10, 2003, opposer filed a withdrawal of the opposition, and a photocopy of the assignment record of application Serial No. 75759071, to opposer.

In view of the assignment to opposer of the application involved herein, the opposition is dismissed as moot. 1

By the Trademark Trial and Appeal Board

Because the assignment has been recorded in the Assignment Branch of this Office (at Reel/Frame Nos. 2741/0542), and the recorded assignment information has been entered in the record of the application file, the application will proceed in the assignee's name. See Patent and Trademark Rules 3.71, 3.73, and 3.85.



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# Typed Drawing

**Word Mark** 

**HAVANA SUNRISE** 

Goods and Services

IC 034. US 002 008 009 017. G & S: Cigars composed of Cuban seed tobacco, cigar cutters, cases, lighters not of precious metal, and ashtrays. FIRST USE: 19990303. FIRST USE IN

COMMERCE: 19990303

**Mark Drawing** 

Code

(1) TYPED DRAWING

Serial Number

Filing Date

75753734 July 17, 1999

**Current Filing** 

**Basis** 

1A

**Original Filing** 

**Basis** 

1B

**Published for** 

Opposition

April 9, 2002

Registration

Number

2900059

Registration Date November 2, 2004

Owner

(REGISTRANT) INTER AMERICA CIGAR COMPANY CORPORATION FLORIDA 1876 N.W., 21ST STREET MIAMI FLORIDA 33142

Assignment Recorded

ASSIGNMENT RECORDED

Attorney of

Record

ROBERT M SCHWARTZ

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAVANA" APART FROM THE

MARK AS SHOWN

Type of Mark

**TRADEMARK** 

Register

**PRINCIPAL** 

Live/Dead Indicator

LIVE

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This page was generated by the TARR system on 2007-11-07 15:59:05 ET

Serial Number: 75753734 Assignment Information Trademark Document Retrieval

**Registration Number: 2900059** 

Mark (words only): HAVANA SUNRISE

Standard Character claim: No

Current Status: Registered.

**Date of Status: 2004-11-02** 

Filing Date: 1999-07-17

Transformed into a National Application: No

**Registration Date: 2004-11-02** 

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact

the Trademark Assistance Center at Trademark Assistance Center @uspto.gov

Current Location: 650 - Publication And Issue Section

**Date In Location: 2004-09-20** 

## LAST APPLICANT(S)/OWNER(S) OF RECORD

#### 1. INTER AMERICA CIGAR COMPANY

#### Address:

INTER AMERICA CIGAR COMPANY 1876 N.W., 21ST STREET MIAMI, FL 33142 United States

Legal Entity Type: Corporation

State or Country of Incorporation: Florida

#### GOODS AND/OR SERVICES

International Class: 034 Class Status: Active Cigars composed of Cuban seed tobacco, cigar cutters, cases, lighters not of precious metal, and ashtrays

Basis: 1(a)

First Use Date: 1999-03-03

First Use in Commerce Date: 1999-03-03

#### **ADDITIONAL INFORMATION**

Disclaimer: "HAVANA"

#### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

#### PROSECUTION HISTORY

2004-11-02 - Registered - Principal Register

2004-09-07 - Law Office Registration Review Completed

2004-09-03 - Assigned To LIE

2004-09-01 - Allowed for Registration - Principal Register (SOU accepted)

2004-08-17 - Assigned To Examiner

2004-07-27 - Statement of use processing complete

2004-07-27 - Amendment to Use filed

2004-07-27 - Data Modification Completed

2004-07-27 - TEAS Statement of Use Received

2004-07-27 - FAX RECEIVED

2004-07-27 - FAX RECEIVED

2004-07-22 - TEAS Change Of Correspondence Received

2004-06-23 - Case File In TICRS

2004-03-23 - Notice of allowance - mailed

2004-01-22 - Opposition terminated for Proceeding

2004-01-22 - Opposition terminated for Proceeding

2004-01-22 - Opposition terminated for Proceeding

- 2004-01-22 Opposition dismissed for Proceeding
- 2004-01-06 Opposition terminated for Proceeding
- 2004-01-06 Opposition terminated for Proceeding
- 2004-01-06 Opposition dismissed for Proceeding
- 2002-09-07 Opposition instituted for Proceeding
- 2002-05-15 Extension Of Time To Oppose Received
- 2002-04-09 Published for opposition
- 2002-03-20 Notice of publication
- 2001-12-04 Approved for Pub Principal Register (Initial exam)
- 2001-11-27 Examiner's amendment mailed
- 2001-11-06 Communication received from applicant
- 2001-11-06 Communication received from applicant
- 2001-05-08 Non-final action mailed
- 2001-04-09 Communication received from applicant
- 2001-03-19 Communication received from applicant
- 2000-08-07 Non-final action mailed
- 2000-06-19 Communication received from applicant
- 1999-12-23 Non-final action mailed
- 1999-12-07 Assigned To Examiner
- 1999-11-30 Assigned To Examiner
- 1999-11-29 Assigned To Examiner

#### ATTORNEY/CORRESPONDENT INFORMATION

#### **Attorney of Record**

ROBERT M SCHWARTZ

#### Correspondent

ROBERT M SCHWARTZ RUDEN MCCLOSKY SMITH SCHUSTER & RUSSELL PO BOX 1900 FORT LAUDERDALE FL 33302-1900

Phone Number: 954-527-6252 Fax Number: 954-333-4252



#### **United States Patent and Trademark Office**





#### Assignments on the Web > Trademark Query

# **Trademark Assignment Abstract of Title**

**Total Assignments: 1** 

Serial #: 75753734

Filing Dt: 07/17/1999

Reg #: 2900059

Reg. Dt: 11/02/2004

Registrant: INTER AMERICA CIGAR COMPANY

Mark: HAVANA SUNRISE

Assignment: 1

Reel/Frame: 2741/0542

**Received:** 11/04/2003

**Recorded:** 11/04/2003

Pages: 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: BELLO, PEDRO, SR.

Exec Dt: 09/15/2003

Entity Type: INDIVIDUAL Citizenship: UNITED STATES

Assignee: INTER AMERICA CIGAR COMPANY

1876 N.W., 21ST TERRACE

Entity Type: CORPORATION Citizenship: FLORIDA

MIAMI, FLORIDA 33142

Correspondent: RUDEN MCCLOSKY SMITH SCHUSTER ET AL.

ROBERT M. SCHWARTZ, ESQ. 200 EAST BROWARD BOULEVARD

**SUITE 1500** 

FT. LAUDERDALE, FL 33301

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± Fees ± Resources & Public Notices	02-Nov-2004	Registration Certificate			
Trademark Trial & Appeal Board  TTAB Manual of Procedure  Dolline Proceedings	21-Sep-2004	Notice of Acceptance of Statement of Use			
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Patents Policy & Law Reports	27-Jul-2004	<u>Fax</u> Incoming			
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	27-Jul-2004	Statement of Use			
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	21-Jun-2004	File Jacket			
	21-Jun-2004	<u>Unclassified-</u> Other			
	21-Jun-2004	<u>Unclassified-</u> <u>Other</u>			
	23-Mar-2004	Notice of Allowance			
	12-Mar-2004	Notice of Allowance			
	04-Feb-2004	TRAM Notice			
	07-Sep-2002	TRAM Notice			
		<u>Unclassified-</u>			

	Othor	
07-Sep-2002	<u>Other</u>	
20-Mar-2002	Notice of Publication	
27-Dec-2001	Amended Drawing	
27-Dec-2001	<u>Duplicate</u> <u>Amended</u> <u>Drawing</u>	
21-Dec-2001	<u>Unclassified-</u> <u>Other</u>	
29-Nov-2001	<u>Unclassified-</u> <u>Other</u>	
27-Nov-2001	Examiners Amendment	
27-Nov-2001	Unclassified- Other	
23-Nov-2001	<u>Unclassified-</u> <u>Other</u>	
23-Nov-2001	<u>Unclassified-</u> <u>Other</u>	
07-Nov-2001	PR-Power of Attorney	
07-Nov-2001	Response to Office Action	
08-May-2001	Offic Action Outgoing	
07-May-2001	XSearch Search Summary	
02-May-2001	<u>Unclassified-</u> <u>Other</u>	
09-Apr-2001	PR-Power of Attorney	
19-Mar-2001	Response to Office Action	
07-Aug-2000	Offic Action Outgoing	
04-Aug-2000	<u>Unclassified-</u> <u>Other</u>	. []
19-Jun-2000	Response to Office Action	
23-Dec-1999	Offic Action Outgoing	
17 <b>-</b> Jul-1999	Application	
17-Jul-1999	drawing	
17-Jul-1999	<u>Duplicate</u> <u>Application</u>	
17-Jul-1999	<u>Duplicate</u> <u>Drawing</u>	

If you need help:

- General trademark information: Please e-mail <u>TrademarkAssistanceCenter@uspto.gov</u>, or telephone either 571-272-9250 or 1-800-786-9199.
- Technical help: For instructions on how to uæ TDR, or help in resolving technical glitches, please e-mail <u>TDR@uspto.gov</u>. If outside of the normal business hours of the USPTO, please e-mail <u>Electronic Business Support</u>, or call 1-800-786-9199.
- Questions about USPTO programs: Please e-mail <u>USPTO Contact Center</u> (UCC).

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	APPLICATION MARK  MARK (Word(s) and/or Design)  HAVANA SUNRISE
R	REGISTER, WITH DECLARATION CLASS [A] A. Goods [] B. Services
TO	THE ASSISTANT COMMISSIONER FOR TRADEMARKS:
APP	PLICANT'S NAME: Pedro Bello, Sr.
l.	PLICANT'S MAILING ADDRESS: 211 N.W. Blvd. Miami, Florida 33126
(Dis shou	splay address exactly as it uld appear on registration)
	LICANT'S ENTITY TYPE: (Check one and supply requested information)
X	Individual - Citizen of (Country): USA
	Partnership - State where organized (Country, if appropriate):
	Corporation - State (Country, if appropriate) of Incorporation:
en en la lace	Other (Specify Nature of Entity and Domicile):
	DDS AND/OR SERVICES
follov	icant requests registration of the certification mark shown in the accompanying drawing in the United States Patent and emark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended) for the wing goods/services (SPECIFIC GOODS AND/OR SERVICES MUST BE INSERTED HERE): Cigars and Tobacco coducts
The co	certification mark, as used (or, if filing under 15 U.S.C. 1051(b), intended to be used) by authorized persons, certifies (or, if filing under 15 U.S.C. 1051(b), is intended to certify): Hand-Made
	cample, a particular regional origin of the goods, a characteristic of the goods or services, that labor was performed by a particular group)
	IS FOR APPLICATION: (Check boxes which apply, but never both the first AND second boxes, and supply requested information related to
each bo	
	Applicant is exercising legitimate control over the use of the certification mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(a) and 1054 as amended.) Three specimens showing the mark as used by authorized persons in commerce are submitted with this application.
	<ul> <li>Date of first use anywhere of the mark by authorized person in commerce which the U.S. Congress may regulate (for example, interstate or between the U.S. and a specified foreign country):</li> </ul>
	Specify the type of commerce:  (for example, interstate or between the U.S. and a specified foreign country)
	Date of first use anywhere by an authorized person (the same as or before use in commerce date):
	Specify manner of using mark on or in connection with the goods/services:
	(for example, trademark is applied to labels, service mark is used in advertisements)
K	Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b) and 1054, as amended.)  • Specify intended manner or method of using mark on or in connection with the goods/services. (27 2 d om 2 k 2 1 1 k 2 2 d om 2 2 2 d
[K]	(for example, trademark is applied to labels, service mark is used in advertisements)  Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b) and 1054, as amended.)  Specify intended manner or method of using mark on or in connection with the goods/services: Trademark will be applied to labels and boxes
	(for example, trademark is applied to labels, service mark is used in advertisements)  Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b) and 1054, as amended.)  Specify intended manner or method of using mark on or in connection with the goods/services: Trademark will be applied to labels and boxes  (for example, trademark will be applied to labels, service mark will be used in advertisements)
[]	(for example, trademark is applied to labels, service mark is used in advertisements)  Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b) and 1054, as amended.)  Specify intended manner or method of using mark on or in connection with the goods/services: Trademark will be applied to labels and boxes  (for example, trademark will be applied to labels, service mark will be used in advertisements)  Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in connection with the above identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended.
	Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b) and 1054, as amended.)  Specify intended manner or method of using mark on or in connection with the goods/services: Trademark will be applied to labels and boxes  [for example, trademark will be applied to labels, service mark will be used in advertisements)  Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in connection with the above identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended.  Country of foreign filing:  Date of foreign filing:  Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in accordance with 15 U.S.C. 1126(d), as amended.  Date of foreign filing:  Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in accordance with 15 U.S.C. 1126(d), as amended.
[]	(for example, trademark is applied to labels, service mark is used in advertisements)  Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b) and 1054, as amended.)  Specify intended manner or method of using mark on or in connection with the goods/services: Trademark will be applied to labels and boxes  (for example, trademark will be applied to labels, service mark will be used in advertisements)  Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in connection with the above identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended.  Country of foreign filing:  Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in connection with the above identified goods/services and, accompanying this application, submits a certification or certified copy of a foreign registration in accordance with 15 U.S.C 1126(e), as amended.  Country of registration:  Country of registration:
[]	(for example, trademark is applied to labels, service mark is used in advertisements)  Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b) and 1054, as amended.)  Specify intended manner or method of using mark on or in connection with the goods/services: Trademark will be applied to labels and boxes  (for example, trademark will be applied to labels, service mark will be used in advertisements)  Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce on or in connection with the above identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended.  Country of foreign filing:  Date of foreign filing:  Date of foreign filing:  Phate o

Applicant is not engaged (or, if filing under 15 U.S.C 1051(b), will not engage) in the production or marketing of the goods or services to which the mark is applied.

The applicant must also provide a copy of the standards the applicant uses to determine whether goods or services will be certified. If the applicant files based on prior use in commerce, this should be provided with this application. In an application filed based on an intent to use in commerce, this should be provided with the Allegation of Use (Amendment to Allege Use/Statement of Use).

#### **DECLARATION**

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), he/she believes applicant is entitled to exercise legitimate control over use of the mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

· 06/23/99

DATE

(305) 266-2689

TELEPHONE NUMBER

SIGNATURE

Pedro Bello, Sr.

PRINT OR TYPE NAME AND POSITION

#### INSTRUCTIONS AND INFORMATION FOR APPLICANT

TO RECEIVE A FILING DATE, THE APPLICATION <u>MUST</u> BE COMPLETED AND SIGNED BY THE APPLICANT AND SUBMITTED ALONG WITH:

- 1. The prescribed FEE (\$245.00) for each class of goods/services listed in the application (please note that fees are subject to change usually on October 1 of each year);
- 2. A DRAWING PAGE displaying the mark in conformance with 37 CFR 2.52;
- 3. If the application is based on use of the mark in commerce, THREE (3) SPECIMENS (evidence) of the mark as used by members in commerce. All three specimens may be the same and may be in the nature of: (a) labels showing the mark which are placed on the goods; (b) photographs of the marks as it appears on the goods, (c) brochures or advertisements showing the mark as used in connection with the services.
- 4. An APPLICATION WITH DECLARATION (this form) The application must be signed in order for the application to receive a filing date. Only the following person may sign the declaration: (a) the individual applicant; (b) an officer of the corporate applicant; (c) one general partner of a partnership applicant; (d) all joint applicants.

SEND APPLICATION FORM, DRAWING PAGE, FEE, AND SPECIMENS (IF APPROPRIATE) TO:

Assistant Commissioner for Trademarks
Box New App/Fee
2900 Crystal Drive
Arlington, VA 22202-3513

Additional information concerning the requirements for filing an application is available in a booklet entitled **Basic Facts About Registering a Trademark**, which may be obtained by writing to the above address or by calling: (703) 308-9000.

This form is estimated to take an average of 1 hour to complete, including time required for reading and understanding instructions, gathering necessary information, recordkeeping, and actually providing the information. Any comments on this form, including the amount of time required to complete this form, should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. Do NOT send completed forms to this address.



07-17-1999
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #70

APPLICANT'S NAME: Pedro Bello, Sr.

APPLICANT'S ADDRESS: 211 N.W. Blvd., Miami, Florida 33126

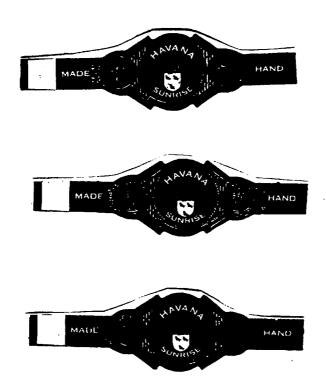
GOODS: Cigar Manufacturing (Class 34) Smokers Articles

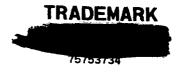
DATE OF FIRST USE: (Class 16) November 16, 1996

DATE OF FIRST USE IN COMMERCE: (Class 16) November 16, 1996

DESIGN: Red Band with Gold Coins Embossed Crest with the word Havana Sunrise in White and Two Gold Embossed Coins.

LINING: The mark is lined for the color Red and Gold.





# UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

			PAPER NO.
SERIAL NO.	APPLICANT		
75/753734 Bello, I	Pedro, Sr.		
MARK	The Market and the Control of the Co		ADDRESS: Assistant Commissioner
ADDRESS	ND MADE AND DESIGN	ACTION NO.	for Trademarks
PEDRO BELLO, SR. 211 N.W. BLVD.	•	01	2900 Crystal Drive Arlington, VA 22202-3513
MIAMI, FLORIDA 33126		MAILING DATE	If no fees are enclosed, the address should include t words "Box Responses - No Fee."
		12/23/99	words Box Responses - No Fee.
•	•	REF. NO.	Please provide in all correspondence:
FORM PTO-1525 (5-90)	U.S. DEPT. OF COMM. PAT. & TM OFFICE		Filing Date, serial number, mark and     Applicant's name.
			Mailing date of this Office action.     Examining Attorney's name and Law Office number.
			4. Your telephone number and ZIP code.

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT. For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the <u>Trademark Law Office No.</u>, <u>Serial No.</u>, and <u>Mark</u> in the upper right corner of your response.

RE: Serial Number: 75/753734

The examining attorney refuses registration on the Principal Register because the mark is primarily geographically deceptively misdescriptive. Trademark Act Section 2(e)(3), 15 U.S.C. Section 1052(e)(3); TMEP section 1210.06. Purchasers would mistakenly believe that the source of applicant's goods is Havana, Cuba.

The primary significance of the word "Havana" is geographic. The applicant's goods do not come from this place. The mark is geographically deceptively misdescriptive because the public would believe that the goods do come from Havana, Cuba. *In re Loew's Theatres, Inc.*, 769 F.2d 764, 226 USPQ 865 (Fed. Cir. 1985) and *In re Bacardi & Co. Ltd.*, 48 USPQ2d 1031 (TTAB, 1997).

The examining attorney refuses registration because the mark consists of or comprises deceptive matter in that purchasers would mistakenly believe that the cigars and tobacco products have their origin in Havana, Cuba, and base the purchase of the goods upon that misconception. Trademark Act Section 2(a), 15 U.S.C. Section 1052(a). See In re Budge Mfg. Co., 857 F.2d 773, 8 USPQ2d 1259 (Fed. Cir. 1988); In re Perry Mfg. Co., 12 USPQ2d 1751 (TTAB 1989); In re Shapely, Inc., 231 USPQ 72 (TTAB 1986); TMEP section 1203.02.

The primary significance of the word "Havana" is geographic. The public is likely to believe that the goods come from this place. Furthermore, this belief would materially influence consumers to purchase the cigars. *In re House of Windsor, Inc.*, 221 USPQ 53 (TTAB 1983), *recon. denied*, 223 USPQ 191 (TTAB 1984). *See* TMEP sections 1210.04 and 1210.07.

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

Inquiry is made as to the use by applicant of the mark and the type of registration applicant seeks to register. It appears that applicant intends to manufacture and produce cigars and tobacco items and market them using the trademark for which registration is sought as the source identifier for those goods. The application form submitted by applicant, however, is not for a trademark, but is for a certification mark. A certification mark is not a trademark used to identify the source of a producer's products, but rather, it is a mark used by parties other than applicant under applicant's legitimate control to indicate that the goods produced or services provided meet certain standards of the applicant. Examples of certification marks are ones owned by Underwriters Laboratories and United Garment Workers of America, AFL-CIO. Does applicant intend to allow other producers of cigars and tobacco products to use applicant's mark to show that their products meet applicant's standards of production? If not, applicant does not intend to file an application for a certification mark. Correspondingly, applicant must indicate the type of mark it seeks to register and, if he seeks to register a trademark for goods, may amend the application from a certification mark to that of a trademark for goods. Enclosed is a copy of a form for the filing of a trademark for goods. If applicant seeks to register a certification mark the following is applicable:

The applicant must submit a copy of the standards used to determine whether others may use the certification mark with their goods or services. 37 C.F.R. Section 2.45; TMEP section 1306.06(g)(ii).

The wording "tobacco products" in the identification of goods is unacceptable as indefinite. The applicant must amend the identification to specify the commercial name of the goods. If there is no common commercial name for the product, the applicant must describe the product and its intended uses. TMEP section 804.

Inquiry is made as to the mark for which registration is sought. Applicant filed an intent-to-use trademark application, which does not require specimens showing use of the mark in commerce. However, applicant submitted three photocopy labels of a cigar band. In addition, applicant did not submit a drawing of mark. In order to issue a filing date for this application and begin processing the application, the labels were used as the drawing sheet. Further, at the top of the application form applicant indicated that the mark for which registration is sought is the typed mark "Havana Sunrise". This is confusing. Is the mark the typed wording or the design of a cigar band containing the words "Havana Sunrise"? Applicant must indicate the trademark for which registration is sought.

If the mark for which registration is sought is the cigar band design, the following is applicable:

The drawing is unacceptable because it is produced three times on the drawing sheet, contains illegible material, and contains gray shading. Applicant must submit a substitute drawing of the mark. The requirements for a special-form drawing are as follows.

- (1) The drawing must appear in black and white; no color is permitted.
- (2) Every line and letter must be black and clear.
- (3) The use of gray to indicate shading is unacceptable.
- (4) The lining must not be too fine or too close together.
- (5) The preferred size of the area in which the mark is displayed is 2½ inches (6.1 cm.) high and 2½ inches (6.1 cm.) wide. It should not be larger than 4 inches (10.3 cm.) high or 4 inches (10.3 cm.) wide.
- (6) If the reduction of the mark to the required size renders any details illegible, the applicant may insert a statement in the application to describe the mark and these details.

37 C.F.R. Sections 2.51 and 2.52; TMEP section 807.05. The Office will enforce these drawing requirements strictly. TMEP section 807.

The Office prefers that the drawing be depicted on a separate sheet of smooth, nonshiny, white paper 8 to 8½ inches (20.3 to 21.6 cm.) wide and 11 inches (27.9 cm.) long, and that the sheet contain a heading listing, on separate lines, the applicant's complete name; the applicant's address; the goods or services recited in the application; and, if the application is filed under Section 1(a) of the Act, the dates of first use of the mark and of first use of the mark in commerce; or, if the application is filed under Section 44(d), the priority filing date of the foreign application.

The examining attorney defers a search of the Office records until the applicant responds. 37 C.F.R. Section 2.61(b); TMEP sections 1105.01 and 1105.02.

David C. Reihner, Examining Attorney Law Office 107, 703-308-9107 ext. 169 06-19-2000 U.S. Patent & TMOfc/TM Mail Rcpt Dt. #11

# Israel Perez, Jr.

Attorney-at-Law Phone: (305) 436-8545 • Fax (305) 436-8546

8775-B N.W. 13 Terrace Miami, FL 33172 P.O. Box 832482 Miami, FL 33283-2482

June 15, 2000

U.S.P.T.O. Assistant Commissioner for Trademarks 2900 Crystal Drive Arlington, VA. 22202-3513

Re: Applicant: Pedro Bello, Sr. Serial No.: 75/753734

Dear Assistant Commissioner,

The purpose of this letter is to request additional time in which to make a proper response to your letter dated December 12, 1999. We are not abandoning our application.

We are preparing a package of items, letters, etc., that we believe will explain and show that "geographic" objections to our application and any deceptive arguments are unfounded. The <u>Havana</u> on the Havana Sunrise refers to "Little Havana", an ethnic area in Miami, that is well known to locals and foreigners alike.

Please grant us an additional six months to prepare our presentation and go forward on this matter. We do not foresee that we will need to wait until the six months period comes to a conclusion before we present our arguments to your letter.

Please communicate via my above stated mailing address (top right).

Very Truly Yours,

Istael Perez

TP1/aa

NECEIVED

Serial Númber: 75/753734.
Mark: HAVANA SUNRISE HAND

HAVANA SUNRISE HAND MADE & DESIGN
\*\*\*Please Place on Upper Right Corner
\*\*\*Af-Response to Office Action CNLY

#### UNITED STATES PATENT AND TRADEMARK OFFICE

		·	PAPER NO.
<b>SERIAL NO.</b> 75/753734 Bello,	<b>APPLICANT</b> Pedro, Sr.		
MARK			ADDRESS: Commissioner for Trademarks
HAVANA SUNRISE F	HAND MADE AND DESIGN		2900 Crystal Drive
ADDRESS PEDRO BELLO, SR.		ACTION NO.	Arlington, VA 22202-3513 www.uspto.gov
211 N.W. BLVD.	33126	MAILING DATE 08/07/00	If no fees are enclosed, the address should include the words "Box Responses - No Fee."
		REF. NO.	Please provide in all correspondence:
FORM PTO-1525 (5-90)	U.S. DEPT. OF COMM. PAT. & TM OFFICE	4	Filing Date, serial number, mark and     Applicant's name.     Mailing date of this Office action.
			3. Examining Attorney's name and     Law Office number.      4. Your telephone number and ZIP code.
5			

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT. For your convenience and to ensure proper handling of your response, a label has been enclosed.

Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

RE: Serial Number: 75/753734

This letter responds to the applicant's communication filed on June 19, 2000.

Applicant failed to respond to Office Action dated December 23, 1999. Correspondingly, applicant must respond to all the issues presented in the prior office action and they are repeated in the following paragraphs. It is noted that there are no extensions of time to file responses to Office actions. See: Trademark Rule 2.65(a).

The refusals to register the mark under Trademark Act §§ 2(e)(3) & 2(a) are maintained.

Applicant must indicate the nature of the registration for which this application is filed. It is not clear what type of mark the applicant wishes to register. There are fundamental differences among the various types of marks which may be registered under the Trademark Act, 15 U.S.C. Section 1051 et seq.

Trademark Act Section 4, 15 U.S.C. Section 1054, provides for the registration of certification marks. A certification mark is a mark used with products or services of persons other than the owner of the mark to certify regional or other origin, material, mode of manufacture, quality, accuracy or other characteristics of such goods or services or that the work or labor on the goods or

\*\*\*75/753734

services was performed by members of a union or other organization. Trademark Act Section 45, 15 U.S.C. Section 1127; TMEP section 1306.

The applicant must submit a copy of the standards used to determine whether others may use the certification mark with their goods or services. 37 C.F.R. Section 2.45; TMEP section 1306.06(g)(ii).

The wording "tobacco products" in the identification of goods is unacceptable as indefinite. The applicant must amend the identification to specify the commercial name of the goods. If there is no common commercial name for the product, the applicant must describe the product and its intended uses. TMEP section 804.

Applicant must indicate the mark for which registration is sought and amend the application accordingly.

Applicant failed to submit a drawing of the mark. Applicant is requested to submit an appropriate drawing of the mark.

The requirements for a special-form drawing are as follows.

- (1) The drawing must appear in black and white; no color is permitted.
- (2) Every line and letter must be black and clear.
- (3) The use of gray to indicate shading is unacceptable.
- (4) The lining must not be too fine or too close together.
- (5) The preferred size of the area in which the mark is displayed is 2½ inches (6.1 cm.) high and 2½ inches (6.1 cm.) wide. It should not be larger than 4 inches (10.3 cm.) high or 4 inches (10.3 cm.) wide.
- (6) If the reduction of the mark to the required size renders any details illegible, the applicant may insert a statement in the application to describe the mark and these details.

37 C.F.R. Sections 2.51 and 2.52; TMEP section 807.05. The Office will enforce these drawing requirements strictly. TMEP section 807.

The Office prefers that the drawing be depicted on a separate sheet of smooth, nonshiny, white paper 8 to 8½ inches (20.3 to 21.6 cm.) wide and 11 inches (27.9 cm.) long, and that the sheet contain a heading listing, on separate lines, the applicant's complete name; the applicant's address; the goods or services recited in the application; and, if the application is filed under Section 1(a) of the Act, the dates of first use of the mark and of first use of the mark in commerce; or, if the application is filed under Section 44(d), the priority filing date of the foreign application.

The examining attorney will neither search the Office records nor decide on the merits of the application until the applicant responds. 37 C.F.R. Section 2.61(b); TMEP sections 1105.01 and 1105.02.

David C. Reihner, Examining Attorney Law Office 107, 703-308-9107 ext. 169

# Israel Perez, Jr.

Attorney-at-Law

Phone: (305) 644-9400 Fax: (305) 644-0920

1532 S.W. 8th Street Miami, FL 33135 ---

03-19-2001

U.S. Patent & TMOfc/TM Mail Root Dt. #71

P.O. Box 832482 Miami, FL 33283-2482

February 25, 2001

TRADEMARK LAW OFFICE 107 Serial Number: 75/753734 HAVANA SUNRISE HAND MADE & DESIGN \*\*Please Flace on Upper Right Corner\*\* \*\*of Response to Office Action ONLY \*\*

Commissioner for Trademarks 2900 Crystal Drive Arlington, VA. 22202-3513

> Re: Havana Sunrise Hand Made 75/753734

Dear Examining Officer,

This is my client's formal reply to your communication of August 07, 2000. First, we will like to indicate that applicant is seeking to register a trademark for goods and not a certification mark. We agree that a correction has to be made to the original application, as such, the enclosed trademark application is being provided to amend the original application.

Second, the mark that the applicant intends to register are the words: "HAVANA SUNRISE". As such, we will also like to amend the original application with the new [] typed drawing enclosed.

Third, the applicant will also like to amend the classi fication of goods to show the following: clgars; cigar v cutters, cases, lighters not of precious metal, ashtrays; all items within Class 34.

Par 17 Lastly, applicant disagrees with the examining attorney's characterization that the name HAVANA SUNRISE is "primarily geographically deceptively misdescriptive." Applicant takes the position that purchasers of the goods will not mistakenly believe that the source of applicant's goods is Havana, Cuba. The cigar brand name: HAVANA SUNRISE, is well known in the cigar industry as coming from "Little Havana", Miami, Florida. Eventhough, a trademark was not sought from the U.S.P.T.O. previously.

75/753734 Pg. 2, Feb.25, 2001

As is well known to Cigar aficionados, the world over, there is a geographical area within the City of Miami, Florida, flowing down S.W. 8th St. (Calle Ocho), known as "Little '. This is a similar area as "Little Italy", "Chinatown", "Greektown", Germantown", etc., in many other parts of the U.S.A. and the world. It is also well known, at least in the cigar trade, that Cuban cigar rollers populated this area since the early 1960's and have established their cigar manufacturing, stores and cigar shops in this area. Similar to area established by the Spaniard and Cubans in the 1800's in "Ybor City" Tampa, Florida and Key West, Florida. The applicant manufactures their cigars in S.W. 8th St., "Little Havana" Miami, Florida. Yes, this is the geographical point that the applicant is describing in his cigars and cigar boxes. As a group, the merchants and cigar manufacturers in this particular area are very proud that they have established their homes and businesses in this area and this area has nothing to do with Cuba. Most of the residents of this area are of Cuban background and their initial learning came from their days rolling cigars in Cuba, but they are very proud of their Made in the U.S.A. label, the same as their "Made in Little Havana" label.

Enclosed you will find different literature describing and using the words "Little Havana" to refer to this area. This is the area that "HAVANA SUNRISE" describes. Sunrise simply refers to "the new beginning" in this new land; the U.S.A.

Lastly, any and all advertising done up to now and in the future is very clear and not misleading as to the fact that the "HAVANA SUNRISE" cigars and accessories are made in "Little Havana", Miami, Florida, U.S.A.

If I can be of further service, please call my office.

IPJ/aa

Enclosures

#### TRADEMARK/SF TICE MARK APPLICATION, PRINCIPAL

MARK (Word(s) a

Design)

#### CLASS NO. (If known) REGISTER, WITH DECLARATION HAVANA SUNRISE TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS: APPLICANT'S NAME: PEDRO BELLO, SR. \* AMENDMENT TO ORIGINAL APPLICATION APPLICANT'S BUSINESS ADDRESS: 211 N.W. BLVD. 33126 (Display address exactly as Miami, Florida it should appear on registration) APPLICANT'S ENTITY TYPE: (Check one and supply requested information) Individual - Citizen of (Country): U.S.A. Partnership - State where organized (Country, if appropriate): Names and Citizenship (Country) of General Partners: Corporation - State (Country, if appropriate) of Incorporation: Other (Specify Nature of Entity and Domicile): GOODS AND/OR SERVICES: Applicant requests registration of the trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended) for the following goods/services (SPECIFIC GOODS AND/OR SERVICES MUST BE INSERTED HERE): Class 34, cigars, cigar cutters, cases, lighters not precious metal, ashtrays. BASIS FOR APPLICATION: (Check boxes which apply, but never both the first AND second boxes, and supply requested information related to each box checked.) Applicant is using the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(a), as amended.) Three specimens showing the mark as used in commerce are submitted with this application. •Date of first use of the mark in commerce which the U.S. Congress may regulate (for example, interstate or between the U.S. and a foreign country): Specify the type of commerce: (for example, interstate or between the U.S. and a specified foreign country) •Date of first use anywhere (the same as or before use in commerce date): •Specify manner or mode of use of mark on or in connection with the goods/services: (for example, trademark is applied to labels, service mark is used in advertisements) Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services. k1 (15 U.S.C. 1051(b), as amended.) •Specify intended manner or mode of use of mark on or in connection with the goods/services: applied to cigar rings, labels, for use in advertising. (for example, trademark will be applied to labels, service mark will be used in advertisements) Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended. • Country of foreign filing: • Date of foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services and, accompanying this application, submits a certification or certified copy of a foreign registration in accordance with 15

U.S.C. 1126(e), as amended.

· Country of registration:

NOTE: Declaration, on Reverse Side, MUST be Signed

Registration number:

#### DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

02-25-01

DATE

SIGNATURE

PEDRO BELLO, SR., OWNER

TELEPHONE NUMBER

PRINT OR TYPE NAME AND POSITION

#### INSTRUCTIONS AND INFORMATION FOR APPLICANT

TO RECEIVE A FILING DATE, THE APPLICATION <u>MUST</u> BE COMPLETED AND SIGNED BY THE APPLICANT AND SUBMITTED ALONG WITH:

- 1. The prescribed FEE (\$245.00 effective 10/1/93)\* for each class of goods/services listed in the application;
- A DRAWING PAGE displaying the mark in conformance with 37 CFR 2.52;
- 3. If the application is based on use of the mark in commerce, THREE (3) SPECIMENS (evidence) of the mark as used in commerce for each class of goods/services listed in the application. All three specimens may be in the nature of: (a) labels showing the mark which are placed on the goods; (b) photographs of the mark as it appears on the goods, (c) brochures or advertisements showing the mark as used in connection with the services.
- 4. An APPLICATION WITH DECLARATION (this form) The application must be signed in order for the application to receive a filing date. Only the following person may sign the declaration, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of the corporate applicant; (c) one general partner of a partnership applicant; (d) all joint applicants.

SEND APPLICATION FORM, DRAWING PAGE, FEE, AND SPECIMENS (IF APPROPRIATE) TO:

Commissioner of Patents and Trademarks

Box TRADEMARK

Washington, D.C. 20231

Additional information concerning the requirements for filing an application is available in a booklet entitled Basic Facts About Registering a Trademark, which may be obtained by writing to the above address or by calling: (703) 308-HELP.

\*Fees are subject to change; changes usually take effect on October 1. If filing on or after October 1, 1994, please call the PTO to confirm the correct fee.

This form is estimated to take an average of 1 hour to complete, including time required for reading and understanding instructions, gathering necessary information, recordsceping, and acutally providing the information. Any comments on this form, including the amount of time required to complete this form, should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231, and to Paperwork Reduction Project 0651-0009, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. Do NOT send completed forms to either of these addresses.

#### AFFIDAVIT

STATE OF FLORIDA	)
	: SS.
COUNTY OF DADE	)

BEFORE ME, the undersigned authority, personally appeared MARK A. KAMILAR, who after being duly sworn, deposes and states as follows:

- 1. My name is Mark A. Kamilar and my law office is located at 2921 SW 27<sup>th</sup> Avenue, Coconut Grove, Florida.
  - 2. I know the information contained herein to be true and correct.
- 3. I acted as litigation counsel for Sun Trade Group, Inc. d/b/a Havana Sunrise Cigar Co. from approximately March, 1998 until the close of business in approximately January, 1999.
- 4. It was my understanding, as explained by Carlos Beltran and Peter Bello, that the cigar manufactured under the name "Havana Sunrise" was originated and developed by Pedro Bello, Sr., Peter Bello's father.
- 5. Because of problems in the business and litigation, Carlos and Peter had discussions in my office to close the business in the last quarter of 1998.
- 6. At the time of closing the business, there were already judgments, impending judgments and business debts that made it appear unlikely that the business would be able to proceed.
- 7. There was a final meeting in my office between Carlos Beltran and Peter Bello, at which time it was discussed and agreed that use of the name "Havana Sunrise" would be transferred to Pedro Bello, Sr. because of his unpaid original loans to the company and the fact that the idea and the blend for "Havana Sunrise" was originally his.
- 8. Carlos Beltran further advised both Peter Bello and myself at that meeting that he was unhappy with the cigar business and was leaving that business to pursue some other career.
- 9. At the time the business was closed out, it was my understanding that Peter Bello was the President of Sun Trade Group, Inc. d/b/a Havana Sunrise Cigar Co. and undertook to have drafted and signed whatever papers were necessary to accomplish this transfer.

FURTHER AFFIANT SAYETH NAUGHT.

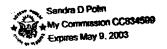
MARK A. KAMILAR

SWORN TO AND SUBSCRIBED TO before me on this 11<sup>th</sup> day of January, 2000.

My Commission Expires:

MOTARY PUBLIC, State of Florida

(Affiant is Personally Known: X)







#### PABLO CANTON Administrator

CITY OF MIAMI EAST LITTLE HAVANA SERVICE CENTER . 1111 S.W. 5th Avenue/Miami, FL 33130/(305) 859-2713/FAX: 859-2716 Email: pcanton@ci.miami.fl.us



February 15, 2001

Please note that I am enclosing some documentation reaffirming the fact that there is an area/neighborhood within the City of Miami called "Little Havana.

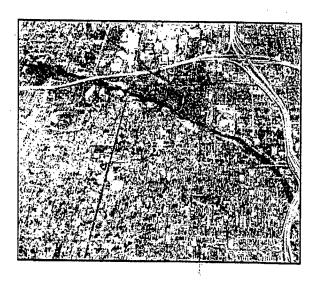
Sincerely,

Pablo Canton Administrator

East Little Havana NET



# Building Community in East Little Havana

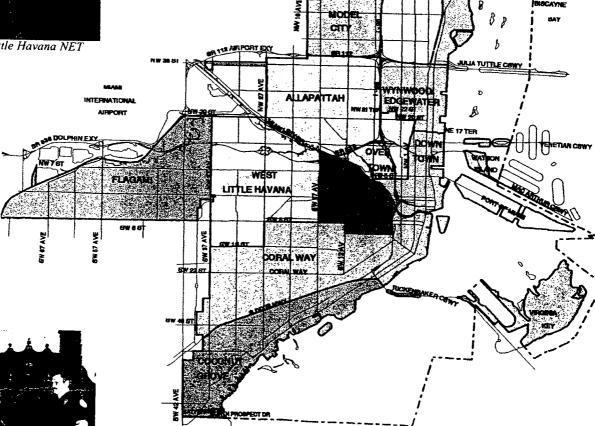


An innovative collaboration between the School of Architecture's Center for Urban and Community Design and the School of Medicine's Center for Family Studies, is exploring the building of community in the inner city. Faculty form the two schools came together during the University's successful application for the Henry R. Luce Professorship in Family and Community. With the national search for the Luce Professor underway, faculty and students began working together in an ongoing project, Parent Leaders 2000, funded by the U.S. Department of Education's Urban Community Service Program, which is intended to address pressing and severe urban problems. Parent Leaders 2000 targets the immigrant community of East Little Havana. bringing local government, private non-profit organizations, schools, and families together with faculty and graduate students to identify, research, and develop interventions that can help create an enduring sense of community and impact on quality of life in the neighborhood.

Under the leadership of assistant professor of psychiatry Yolanda Mancilla, Ph.D., and assistant professor Frank Martinez, a team of graduate architecture students has been mapping East Little Havana to document a variety of physical and social factors, such as building type, historically significant buildings and districts, condition and use of the buildings, as well as criminal and gang activity. The research to date also explores the link between property ownership, zoning, and economic development.

The work has created a forum (a space) in which the community leaders and other individuals who live and/or work in East Little Havana have contributed their knowledge and experience, creating a more holistic portrait in the community. The process has allowed the emergence of fundamental questions that are real and specific to place. The basic premise of the project is that East Little Havana's neighborhoods, inclusive of its people, history, culture and architecture, are a viable component of the life of the larger city. The project provides the foundation for a long-term planning process that will build community and contribute to the revitalization of East Little Havana's historic neighborhoods.





Coconut Grove NET



West Little Havana NET

MIAMI POLICE DEPARTMENT Neighborhood Enhancement Team (NET) Areas

#### EAST LITTLE HAVANA

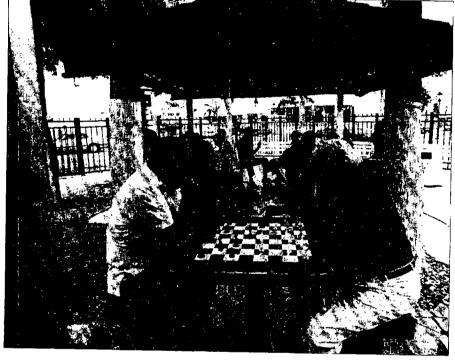
East Little Havana has the same gusto and folklore present throughout the whole area. Today, next to Cuban restaurants, Nicaraguan, Mexican and Colombian restaurants, catering to the newly arrived immigrants from Central and South America.

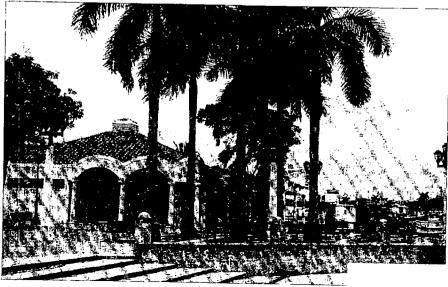
are found. There is also a great concentration of elderly residents in need of governmental resources and assistance.

Landmark sites and attractions within the East Little Havana area include the Orange Bowl, home of the University of Miami Hurricanes football team, the 2506 Brigade

Memorial, in honor of the Cuban patriots who fought in the Bay of Pigs Invasion, Máximo Gómez Park, better known as Domino Park where older, middle aged and young people meet over a traditional game of dominoes. In addition, past 12th Avenue, the Miami River crawls on its way to Biscayne Bay. On its shores river-related industries are found and yachts, sailboats, cruisers and houseboats pack more than a score of public and private docks. A strategic plan for this neighborhood's revitalization is the Latin Quarter project, a future center of international commerce and culture, that will be developed into a major tourist attraction with Spanish architecture, a variety of restaurants and shops in a Latin festival atmosphere.

Serving residents east of S.W. 17th Avenue is East Little Havana NET. The East Little Havana NET team's greatest impact has been on crime reduction and zoning/solid waste code enforcement. A superb NET team spirit and the presence of the NRO's have greatly contributed to a marked reduction in illegal activities from the neighborhood. They are also responsible for some innovative and effective "impact" operations resulting in numerous arrest. The NRO's are also dedicated to community oriented projects, for example, teaching students how to eliminate crime in school or instructing bicycle safety. East Little Havana NET has also concentrated on reducing illegal rooming houses in the area. They have also identified gang members and graffiti "artists" and involved them in clean-up and paint-out campaigns.







1475 SW 8th Street, Miami, FL 33135 Tel: (305) 859-2713 • Fax: (305) 859-2716 The Dr. Paul George

East Little Havana

Paul S. George, Ph.D.



# Asittle: A Havanas 2000

IHE BIRTH

Jose Fernandez Investments

Licensed Peal Estate Broker

# Viernes Culturales Cultural Fridays, Inc. 1581 Southwest Calle Octo

1561 Southwest Calle Ocho Miami, Florida 33135 Tel: (305) 644-9555

#### JUNTA DIRECTIVA I DIRECTORS

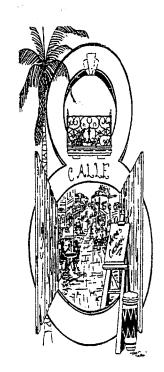
Pablo Cantón
José Casanova
Lee Cohén
Sergio Fiallo
Jesús López
Yolanda Mancilla
José Marbán
Magally Marrero
Jakie Pérez
Tony Wagner

Mónica Zárate

# Viernes Culturales

en la Histórica Pequeña Habana Música \* Danza \* Arks Plásticas \* Pcesía \* Teatro Ultimo Viernes de Cada Mes

Calle Ocho entre las Avenidas 14 y 17







Pablo Cantón, Administrator East Little Havana NET 111 SW 5th Avenue

# Cultural Fridays

in Historic Little Hovana Music \* Dance \* Visual Arts \* Poetry \* Theater Last Friday of Each Month

Calle Ocho between 14th and 17th Avenues

Información & Coordinación I Information & Coordination:

Alas

de la Histórica Pequeña Habana (305) 644-9559



#### ADE COUNTY BUSINESS

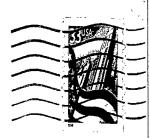
Jonel Seeper	Lisa Service Station Inc	Little Angel Academy	Little Havana Activity Center	1005 0 155 1005 0000
13170 NW 7th Av R Mia 305 631-7150	875 W Flagler St 305 545-5346	421-W 11th St Hth 305 884-0809	450 SW 5th St 305 856-4700	LIVE & LET LIVE DRUG
Lionel Beeper	Lisa Tellis Custom Novelties	Little Angel Quality Day Care	Little Havana Amoco	STORE 3500 NW 37th Av 305 635
13170 NW 7th Av N Mia 305 688-8689	13837 NW 19th Av Op-Lka 305 681-7796	2432 SW 137th Av 305 551-5777	1660 W Flagter St 305 642-0408	
Lionel Beeper 14536 W Dixie Hwy NM 305 940-1434	LISA TODD wms apparel	Little Angel Studios 15119 Memorial Hwy 305 948-1155	Little Havana Child Care Center	Live Services 19597 NE 10th Av Mia 305
Lionel One Stop Automotive Center	8235 S Dixie Hwy 305 284-9927	Little Angels 1006 E 8th Av Hih 305 805-3510	905 SW 1st St	Lively Stone Church Of Miami
2032 NW 2nd Av 305 576-5884	Lisang Ceramic 5290 NW 72nd Av 305 597-8310	Little Angels Christian Schools	970 SW 1st St 305 324-5424	8025 NW Miami Ct 305
Lionoaks LC *	5290 NW 72nd Av 305 597-8310 Lisa's Boutique	6491 W 2nd Av Hib305 819-0411	Little Havana Cigar Factory 305 631-8080	Lively Stone For Jesus Ministry 835 NW 119th St N Nio 305
1208 NW 72nd Av Mia 305 477-3481	5845 Sunset Dr S Mia 305 669-8389	LITTLE BIRD BAPTIST	Little Havana Development Authority	835 NW 119th St N Mio 305
Lions Club North Miami Marian	Lisa's Massage 2289 NE 122nd St 305 891-0777	KINDERGARTEN son	970 SW 1st St 305 324-8127	Lively Stone For Jesus Ministry 835 NW 119th St N Mia 305
Lions Club Of Miami	Lisa's Private Line	8476 Bird Rd 305 553~0449	Little Havana Institute 300 SW 12th Av Mia 305 649-2952	Lively Stones For Jesus #2
103 011 011 4	Charges Will Apply 305 976-5425 Lisa's Shadows Of Beauty	Little Brothers Friends Of The Elderly	Little Havana N E T Service Center	1860 NW 185th St 305
Lions Eve Bank Of Florida Inc	1535 NW 119th St N Mia 305 681-9484	5599 Sw 8th SI Mia 305 267-3040	2200 W Florier St 305 643-2364	Liven Dov Architect & G C
900 NW 17th St 305 324-4340	Lisber Cafe & Catering	Little Caesars Pizza 305 895-1443 Little Caesars Pizza Pizza-	Little Havana Outreach soc serv organztn	9240 Fontainebleau Blvd305 !
Lion's Motors Corp-	700 S Royal Poinciana Blvd MiaSpgs	Cutler Ridge/Perrine-	9/0 SW 15t St 305 324-1104	Liverpool Inc wrans apparel 236 N Miami Av 305
15150 W Dixie Hwy NMB 305 945-1045 Fax Line 305 945-1066	305 882-1231	20517 Old Cutter Rd 305 255-2860	Little Havana Professional Services Inc	Live's Entertainment Inc
Lion's Record Shop	Lisbeth Oslo Inc 2086 NW 21st St Mia 305 547-2003	9477 SW 160th St 305 253-1010	539 SW 12th Av 305 325-1896 Little Havana Restaurant W	2150 Bay Dr MB 305
3015 NW 79th St 305 691-5510	Lisbeth Oslo Inc 305 688-6391	Fontainebleau	4590 W 12th Av Hth 305 824-9600	Livestock And Cargo Services Inc
Lion's Record Shop	Lisett Intl Corp	Flagler & 82nd Av 305 551-1999 Haffandale Beach	Little Havana Restaurant Inc	2461 NW 67th Av 305
18901 S Dizie Hwy 305 259-9666 Lion's Records	401 SE 11th Av Hith305 887-2004	924 Hallandale Beach Blvd 954 458-2500	12727 Biscavne Blvd N Mia 305 899-9069	Livett Jewelry Repair 36 NE 1st St 305
3015 NW 79th St Mia 305 835-7923	Lish Sandra ct reprir	Hialeah-	Little Havana Retirement Living 820 SW 20th Av	Livia Distinctive Furniture Finishing
Lions Records CD's & Tanes	1021 NE 205th Ter Mia 305 652-5869	El Mercado Shonning Ctr	820 SW 20th Av 305 649-5835 Little Havana Traffic School 305 854-9909	15334 W Dixie Hwy NMB 305
18200 NW 27th Av 305 430-0007	Lisitzky-Rosner Jewelry Inc 36 NE 1st St 305 358-6286	2402 W 60th St Hih 305 828-0806 4100 W 12th Av Hih 305 362-7771	Little Havana-Pro Salud Center	Livia Hair Stylist
Lions Transport Inc 305 829-9005	Lissette Rodriguez & Associates	4100 W 12th Av Hih 305 362-7771	720 SW 8th St 305 860-3988	7274 SW 8th St Mia 305 :
Lionstone Hotels & Resort 2901 Collins Av ME 305 672-5466	905 Brickell Bay Dr Mia 305 577-0383	901 E 8th Av Hih 305 889-0322 Homestead Plaza	Little Heads Isabel Family Hair Styling	Livia's Helping Hand 8055 SW 99th St Mia 305 :
Lip-Ship Performance Inc	Lissette Unisex	29625 5 Dixie Hwy 305 245-6006	Inc 10855 Sunset Dr 305 596-5290	Living Hope Community Church Office
13301 Biscayne Blvd N Mia 305 933-9988	6891 W 4th Av Hih 305 824-2013	Miami-	Little House Of Mary The	14540 SW 136th St Mia 305 :
Lio Shio Performance Inc	Lista Enterprise Seafood Inc 7380 W 20th Av Hlh 305 557-9491	Bird Road & Ludlam	161 E 33rd St Hlh 30S 888-5045 Little John W III atty	Living in Victory 1450 NW 1st Ct 305.
13301 Biscayne Blvd N Mia 305 947-8310	Lista Enterprise Seafood Inc	SW 40 St & 67 Av305 661-7202	200 S Biscayne Blvd 305 577-2853	Living Interior Design Inc
Lip Trading Co 20245 NE 16th Pt 305 654-1244	7380 W 20th Av Hih 305 557-9561	9362 SW 56th St 305 598-0499 Miami Lakes 305 823-5929	Little K Swimwear	216 Catalonia Av CG305
Lipcon Charles atty 1 Biscayne Tower 305 373-3016	Lista Walter L Inc	North Miami Beach	9550 Bay Harbor Ter Bay Hbr Is	Living Reef The 5624 NW 167th St 305 -
Lipcon David W arty	6811 SW 81st St 305 665-7768	Miami Gardens Dr & 18th Ave 305 354-4833	305 865-0003	Living Room The restrat
9100 5 Dadeland Blvd305 670-6144	Listco Data Services Inc 6924 NW 46th St Mra 305 597-4300	Northwest Dade/Carol City-	Little Karina 2414 NW 20th St 305 635-9400	671 Washington Av MB 305 .
LIPCON & LIPCON atty	LISTER DAVID P atty	6556 Miami Gardens Dr Mia 305 558 • 6900	Little People Learning Center 7020 SW 13th Ter 305 264-5596	Living Things plants
9100 5 Dadeland Blvd 305 670-6144		17223 NW 27th Av Mia 305 626-0184		456-A Arthur Godfrey Rd MB 305
Lipcon Mitchell Jatty -	7325 SW 63rd AV S Mia	Sweetwater 107th Ave 305 220-0215	Little Promises Daycare Center 15194 SW 56th St 305 382-4424	Living Well ACLF 60 NW 33rd Av 305
9100 S Dadeland Blvd 305 670-6144	Lister David P atty	West Kendall-	Little Rascals Entertainment	Living Well ACLF 305 Living Well Lady Executive Club
Lipinski John attv	1790 W 49th St 305 821-4581	Miller Square Shopping Center Miller & SW 137th Av 305 382-0017	14334 SW 161st St Mia 305 378-0600	9541 S Dixie Hwy 305
9000 SW 152nd St Alia 305 233-3000	LISTER JEWELERS	Hammocks Town Center 305 382-8444	Little Rascals International	Living Word Ministries
Lipinsky Stuart CPA 520 NW 165th Street Rd 305 945-8900	334 Miracle Mile CG 305 445-4360	Little Caffe 8700 W Flagler St 305 207-4959	5818 SW 72nd St S Mia 305 663-5354	3912 NW 167th St Mia 305 ·
Linkin David LMO	Liston William Garty	Little Cherubs childres wear	Little Red Bear Studios 305 885-7266 Little Red Wagon auto reprg	Living Word Of God Ministries
4300 Alton Rd MB 305 674-2171	2950 SW 27th Av Mia 305 460-6521	4833 Collins Av MB 305 534-2469	531 Michigan Av M8305 673-1467	1752 Ali Baba Av Op-Lka 305
Lipman David M atty	Lisy Corp 3400 NW 67th St 305 836-6001	Little China Town Inc 120 NE 2nd Av 305 373-0630	LITTLE RIVER RIIII DING &	Livingroom Express 8315 W Flagler St 305
5901 SW 74th St S Mia 305 662-2600	Lisy Unisex 11865 SW 26th St 305 551-7757 Litante Gourmet Baskets 305 301-3322	Little China Town Inc	HOME SUPPLY	Livingston Chris Atty
Lipman Richard L MD	Litchfield Propeties Inc	120 NE 2nd Av 305 577-4267	7737 NE 2nd Av 305 759-2404	1525 NE 125th St North Miami 305
7231 SW 63rd Av S Mia 305 670-3259 Lipner Gordon & Co	9990 SW 77th Av 305 274-3234	Little Chris Latin American Food	Little River Club 755 HE 79th St 305 759-6332	Livingston Chris Attorney
420 Lincoln Rd MB 305 535-0950	Lite Crete Inc 595 W 18th St Hin 305 885-6412	9479 SW 160th St 305 252-0407	Little River Food Mart	Mia Tel No 305
Lipoff Norman H atty	Lite Crete Insulate Concrete	Little David's Gournet Coffee 20725 NE 16th Av305 653-8200	570 NW 79th St 305 754-0330	Livingston J Sterling 1121 Crandon Blvd Key Bisc 305
1221 Brickell Av 305 579-0503	595 W 18th St Hih 305 885-6412	Little Dream Dolphin Day Care	Little River Locksmith	Livingstone A C DDS
Lipp Donald H 900 W 49th St Hih 305 827-0830	Lite Fashion Enterprises Inc 9809 NW 80th Av HIN Gdns 305 826-6288	3521 E 4th Av Hth305 696-4412	1727 Coral Way 305 858-8118	7731 SW 62nd Av 5 Mia 305
Lippe Of Miami Trading Corporation 245 SE 1st St Mia305 755-9995	Lite-Spec & Design Group Inc	Little Europe	Little River Merchandising Services Inc 350 NE 75th St Mia 305 758-1089	Res 7340 SW 67th Ct S Mia 305
LIPPERT WINSTON ASID	1850 NE 146th St N Mia 305 956-3854	10030 NW 44th Ter Mia 305 468-9499	Little River Neon 355 NE 79th St 305 756-6366	Livingstone Alan S MD
10930 SW 7th St 305 220-5488	Lite Trading Corp	Little Farm Mobile Court	Little River People Appliance 305 688-8509	1475 NW 12th Av 305
Lippincott Elwood T Jr atty	7382 Nw 8th St 305 262-3278	8500 Biscayne Blvd El Pti 305 754-3303	Little River Peoples Appliance	Livingstone Alan S MD 1201 NW 16th St 305
· 25 W Flagle: St 305 374-1212	Lite Weight inc 7357 W Fiagler St 305 261-6020 Lite Weight Inc	Little Farm Mobile Court	698 NW 112th St 305 751-5707	Livingstone Don R atty
Lins International	7357 W Florier St Mrs 305 225-7546	8500 Biscavne Blvd El Pti 305 754-3955	Little River Pet Supply	7711 SW 62nd Av S Mia 305
4380 NW 128th St Op-Lka 305 953-9228	LiteLife 2645 SW 37th Av 305 460-7050	Little Farm Store	101 NW 79th St 305 759-2955	LivingWell Lady-
Lipschitz Max A Rabbi ofc 20350 NE 26th Av305 932-2829	Literature Distribution Corp	8360 Biscayne Blvd El Ptl 305 751-5791	Little River Pharmacy 203 N€ 62nd St 305 754-3088	8210 Mills Dr 305 ' 12155 Biscayne Blvd N Mia 305 '
2060 NE 198th Ter 305 932-2629	4702 NW 165th St 305 620-1555	Little Feet And More 7216 Red Road 305 666-9655	Little River Pool	Livingwell Lady Fitness Center-
Linschitz Max A Rabbi ofc	Lithgow Bennett Funeral Home 15011 W Dose Hwy 305 940-6304	Little Flower Rectory	10525 NW 24th Av 305 696-7651	10564 SW 8th St Mia 305
20350 NE 26th Av305 932-2829	LITHGOW-BENNETT-	2711 Indian Mound Tr CG 305 446-9950		3505 W 20th Av Hith 305
Lipschultz Esther Drapery Shop	PHILBRICK FUNERAL	Little Giant Landscaping	THE-	LIVS Associates
10748 Coral Way 305 445-7617	HOME	14170 SW 140th St 305 238-9715 Little Green House The	55 NE 73RD ST	151 Majorca Ay CG305
Lipsitz Marc atty 550 Bitmore Way CG 305 442-4994	15011 W Dixie Hwy 305 940-6304	12327 SW 133rd Ct Mia 305 969-8484	305 757-7504	Liz Auto Sales 1250 NW 36th St 305 Liz Beauty Salon
Lipskar Yosie regitor	Lithgow Donn fund die	little Uniti Classica P Maintanasa Inc	Fax 1 ine 55 NF 73rd St 305 754-6122	1460 NW 17th Av305
3100 Collins Av MB 305 672-5055	10931 NE 6th Av 305 754-7544	7806 NE 2nd Av 305 754-1373	Little River Printing Inc	Liz Beverage Discount
Lipsky Joseph I atty	Lithgow & Philbrick Funeral Chapel	Little Haiti Coin Laundry	7770 NE 2nd Av 305 759-8259	12989 W Doce Hwy N Mia305
7975 NW 154th St 305 362-6222 Lipsman Albert DMD	305 446-1616 Litho Art Inc	5187 NE 2nd Av 305 758-8166	Little River Seed Store 101 NW 79th St 305 759-2955	Liz Cargo Service 4474 NW 74th Av305
960 41st St MB 305 531-6581	12190 SW 131st Av Mia 305 232-7098	Little Haiti Coin Laundry 6505 NE 2nd Av 305 754-0003	Little Rock Primitive Baptist Church	Liz Fisher Interior Design Inc 561
Linson Arthur H atty	Litho Color Plate Inc	Little Haiti Hardware & Supplies	1790 Ali Baba Av Op-Lica 305 688-5386	Liz Freezed Dried Flowers Inc
801 NE 167th St 305 653-3030	2695 W 81st St 305 557-9200	4715 NW 2nd Av 305 757-7370	LITTLE ROYALTY	13330 SW 49th St 305
Lipson Gary Darty	Lithographics 1755 W 40th St Hth 305 557-7940	Little Haiti Housing Association Inc 181 NE 82nd St 305 759-2542	18947 W Dixie Hwy 305 933-5666	Liz Langford Arabians
9350 S Dixie Hwy 305 670-6770 Lipson Stephen M photogy	Lithotronics Inc 4710 NW 165th 5t 305 625-4445		Little Salgon Vietnamese Restaurant	12201 SW 51st St 305 . Liz Video Corp 2255 SW 32nd Av 305 .
Lipson Stephen M photogy Miami Tel No 305 662-8656	Litigation Arts Incorporated	26 NE 54th St 305 759-7615	16752 N Miami Av NMB 305 653-3377	Liza Gold Corp jewir
Lipson Stuart A atty	17145 SW 80th Ct 305 234-6454	Little Haiti Supermarket	Little Shaver Day Care Center- 2660 SW 17th St 305 856-9044	9 E 20th St Hth305 :
45 NW 5th St305 377-1464	Litigation Arts Incorporated	5600 NE 2nd Av 305 757-2464	1102 SW 27th Av 305 643-4809	Lizards On Ice
Lipstik 8099 S Dine Hwy 305 665-5477	Litigation Graphix Services	Little Haiti-Edison Federal Credit Union 181 NE 82nd St Mia 305 756-6580	Little Shaver Day Care No 2	10201 Hammocks Blvd 305 .
Lipstik Adult Entertainment 8099 5 Dixie Hwy305 665-5477	200 S Biscayne Blvd 305 350-7744	Little Haiti/Edison/Little River N F T	10780 SW 56th St 305 598-1722	Lizards On Ice 2450 W 60th St 305 : Lizards On Ice 2450 W. 60 St Hih 305 :
Lipton Foundation	Litigation Resolution	Service Center-	Little Skippers Preschool 2	Lizaso Raul DDS
19495 Biscayne Blvd 305 935-3338	169 E Flagier St 305 371-3250	69 NE 62nd St 69 NE 62nd St 305 795-2337	Kindergarten Inc 9201 NW 4th Av305 757-8858	4999 W 8th Av Hith 305
Lipton Lisa atty 701 Bnckell Av 305 374-8500	Litigation Strategies	Little Havana 1442 SW Bth St Mia 305 857-9720	Little Stars Pre-School	Lizbeth Construction Inc
Lipton Paul R arry 1221 Brickell Av305 579-0662	4201 Collins AV MB 305 672-3336 Litigraphix 998 W Flagler St 305 324-8888	Little Havana Activities 700 SW 8th St Mia 305 858-7783	12375 SW 42nd St 305 552-1229	8105 Park Blvd 305
1221 Brickell AV305 579-0662 Liquid 1439 Washington AV MB 305 532-9154	Litigraphix Courtroom Exhibits	LITTLE HAVANA ACTIVITIES	Little Summerhouse The	Lizcano Family Florist 305 Lizmar Enterprises girts
Liquid Air Corporation	998 W Flagier St 305 324-1234	& NUTRITION CENTER soc	4228 SW 75th Av 305 262-3260	1050 NW 14th St 305 !
See Air Liquide America	Litman Neal S PA attv	serv organith—	Little Swimmers 6401 Kendale Lakes Dr 305 383-7946	Liz's Consignment Corner
Corporation	2900 SW 28th Ter 305 441-9000	MAIN OFFICE	Little Theatre School	14441 Country Walk Dr 305
Liquid Carbonic Corn-	Litman Neal S PA arry 2900 SW 28th Ter 305 854-3530	824 SW 7th AV Mia 305 858-2610	18822 NE 29th Av Aven305 936-9795	Liz's Unisex Beauty Salon
7301 NW 36th Av	Litman Teddi DMD	Mildred Pepper Center	Little Tigers Day Care	2509 NW 183rd St 305 Lizy Signs 2666 W 79th St Hib 305
Liquid Carbonic Specialty Gas Corp 305 944-1080	7150 W 20th Av Hith 305 556-5600	10000 SW 56th St 305 598-0260	16101 NW 57th Av 305 620-6212	Lizzi Laundry 836 SW 22nd Av 305
Liquid Distributors Inc	Litman Teddi DMD	Mildred Pepper Adult Day Center	Little Village Day Care	Lizzie Grubman Public Relations
13430 NF 17th Av305 RO2-1188	0040 CH 00H C	Printed repper Mutil Day Cesiler	3800 SW 108th Av 305 EE0-4200	
Liquid Lugger Inc 305 913-5079	8940 SW 88th St 305 275-8875	10000 SW 56th St 305 279-9291	3800 SW 108th Av 305 559-4300 Little Village Day Care Inc	892) SW 10th Ter Mia 305
Liquid Metal 2045 NW 1st Av Mia 305 438-9070	8940 SW 88th St 305 275-8875 Lito International	10000 SW 56th St 305 279-9291 Hisleah Center	Little Village Day Care Inc 7381 NW 36th St 305 477-3333	Lizzie Grubman Public Relations
Liquid Vitamins Laboratory305 265-6981	8940 SW 88th St 305 275-8875 Lito International 2672 NW 112th Av 305 715-9784 Litotsky Richard A	10000 SW 56th St 305 279-9291 Hisleah Center	Little Village Day Care Inc 7381 NW 36th St 305 477-3333 Little William A MD	Lizzie Grubman Public Relations
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Liquidators Of America 786 265-0075 Liquids Night Club	8940 SW 68th St	10000 SW 56th SI 305 279-9291 Hisleah Center 900 W 44th PI His 305 558-1089 Hisleah Adult Day Center 900 W 44th PI His 305 558-2570	Little Village Day Care Inc 7381 NW Sdns 51	Lizzie Grubman Public Relations 305  Lizzie's Market 1806 SW 22nd Av - 305  Lizzy Apartments 3901 SW 112th Av 305
Liquids Night Club 1439 Washington Av MB305 695-0338	8940 SW 88th SI 305 275-8875 Lifo International 2672 RW 112th Av 305 715-9784 Lifotsky Richard A 5V skerco Av CG 305 446-5228 Litos A 7910 RW 167th Ter 305 557-3035 Litos Cattle & Zabludruski 305 318-8400	10000 SW 56th S	Little Village Day Care Inc 7381 NW 36th S1	Lizzie Grubman Public Relations 305 Lizzie's Market 1805 SW 22nd Av - 305 Lizzy Apartments 3901 SW 112th Ay - 305 LJ Cano Architects PA
Liquids Night Club 1439 Washington Av MB305 695-0338 Liquor & Wine Store	8940 SW 88th SI 305 275-8875 Lifo International 2672 NW 112th Av 305 715-9784 Lifotsky Richard A 75 Valenco Av CG 305 446-5228 Litos A 7910 NW 167th Ter 305 557-3035 Litow Cutter & Zabludowski 305 381-8400 Litow Laurence S PA 305 381-8400 Litowich J A General Contractors	10000 SW 56th S	Little Village Day Care Inc 7381 NW 36th S1 Little William A MD 8932 SW 97th Av 305 270-3400 Littlestone Associates Inc 80 SW 8h St Little World The childrins wear 107 N Maior Ay 305 377-9165	Lizzie Grubman Public Relations  305 Lizzie's Market 1806 SW 22nd Av - 305 Lizzy Apartments 3901 SW 112th Av - 305 LJ Cano Architects PA 5040 NW 7th St Ma - 305
Liquids Night Club 1439 Washington Av MB305 695-0338 Liquor & Wine Store 6030 S Dixie Hwy S Mia 305 666-2230	8940 SW 88th Si	10000 SW 56th S	Little Village Day Care Inc 7381 NW 36th S1	Lizzie Grubman Public Relations  305  Lizzie's Market 1806 SW 22nd Av - 305  Lizzy Apartments 3901 SW 112n Av - 305  LJ Cano Architects PA 5040 NW 7h St Ma 105 Stazene Blad - 305
Liquids Night Club 1439 Washington Av MB305 695-0338 Liquor & Wine Store 6030 5 Dite Hwy S Ma 305 666-2230 Liquorland 8505 SW 156th St 305 238-0560	8940 SW 88th SI 305 275-8875 Lito International 2672 NW 112th Av 305 715-9784 Litofsky Richard A 75 Valenca Av CG 305 446-5228 Litos A 7910 NW 167th Fer 305 557-3035 Litow Cuttler & Zabludowski 305 381-8400 Litow Laurence S PA 305 381-8400 Litowich J AG General Contractors 28 NE 183TH ST Mis 305 652-0300 Litowich B udd E n'est	10000 SW 56th S	Little Village Day Care Inc 7381 NM 36th S1 305 477-3333 Little William A MD 8932 SW 970th Av 305 270-3400 Littlestone Associates Inc 80 SW 8h St 305 373-8113 Little World The childris wear 107 N Maine Ay 765 SW 104th S Practs 769 SW 104th S Practs 305 663-3333	Lizzie Grubman Public Relations  305  Lizzie's Market 1806 SW 22nd Av - 305  Lizzy Apartments 3901 SW 112n Av - 305  LJ Cano Architects PA 5040 NW 7h St Ma 105 Stazene Blad - 305
Liquids Night Club  1439 Washington Av MB305 695-0338 Liquor & Wine Store 6030 S Dixie Hwy S Ma305 666-2230 Liquor1and 8505 SW 136th St305 238-0560 Liquor1and Fibrinos	8940 SW 88th SI 305 275-8875 Lito International 2672 RW 112th Av 305 715-9784 Litotskyr Richard A 75 Valenco Av CG 305 446-5228 Litos A 7910 RW 167th Fer 305 557-3035 Litow Cutter & Zabludowski 305 381-8400 Litowich J A General Contractors 285 N 6157H SI Mas 305 652-0300 Litowitz Budd E r est 114015 W 40th S1 305 552-5775	10000 SW 56th S	Little Village Day Care Inc 7381 NN 36th S1 Little William A MD 893 SW 97th Av 305 270-3400 Littlestone Associates Inc 80 SW 8th S1. Little World The childras wear 107 N Mare Av Littlestone P PA 7695 SW 104th St Pacts 1	Lizzie Grubman Public Relations  305 Lizzie's Market 1808 SW 22nd Av - 305 Lizzy Apartments 3901 SW 112th Av - 305 L4 Carso Architects PA 5040 RW 7h St Ma - 305 LK Management Inc 105 5 Buszyne Blud - 305 Llaguno Pedro P atty 205 5 W 22nd St - 305
Liquids Night Club 1439 Washngton Av MB	8940 SW 88th SI 305 275-8875 Lifo International 2672 NW 112th Av 305 715-9784 Lifotsky Richard A 75 Valenco Av CG 305 446-5228 Lifotsky Richard A 305 557-3035 Lifot A 7910 NW 167th Ter 305 557-3035 Lifot Cuttler & Zabludovski 305 381-8400 Lifow Laurence S PA 305 383-8400 Lifowick Jad General Contractors 285 NC 18571 ST Mas 305 652-0300 Lifowick Jadd E ri est 11401 SW 40th St 305 552-5775 Lifowitz Robert	10000 SW 56th S	Little Village Day Care Inc 7381 NW 36th S1 Little William A MD 8932 SW 97th Av 305 270-3400 Littlestone Associates Inc 80 SW 8th S1 Little World The childras wear 107 N Main: Av 11thmen Eric P PA 7695 SW 104th S1 Pricts 11thmen Fric P PA 12thmen	Lizzie Grubman Public Relations  305 Lizzie's Market 1800 SW 22nd Av 305 Lizzie's Market 1800 SW 22nd Av 305 Lizzie's Market 1800 SW 22nd Av 305 Li Cano Architects PA 305 Li Cano Architects PA 5040 rw 7h 51 km 3 305 LK Management Inc 100 5 Biscayne Blud 305 Llaguno Pedro P atry 2050 SW 22nd 51 305 Llamadas Internacionales
Liquids Night Club 1439 Washington Av MB	8940 SW 88th Si	10000 SW 56th S 305 279-9291 Hisleah Center 900 W 4th PH H 305 558-1089 Hisleah Adult Day Center 900 W 4th PH H 305 558-2570 Rafaet Villaverde Adult Day Care 824 SW 7th Av Ma 305 858-2610 Maimi Beach 533 Colling Aw MB - 305 532-8576 San Juan Bosco Site 28 W 318h Av 305 836-1234 Saint Dominic Center 5849 NW 7th St 305 2864-3751 Casa Devon 11253 SW 197th St 305 233-7315	Little Village Day Care Inc 7381 NM 36th S1 Little William A MD 8932 SW 97th Av 305 270-3400 Littlestone Associates Inc 80 SW 8h s1 Little World The childris wear 107 N Maine Av 108 SW 98 SW 305 377-9165 Littman Eric P PA 7095 SW 104th St Practst 107 N Maine Av 107 N M SW 107 N M N N N N N N N N N N N N N N N N N	Lizzie Grubman Public Relations  305 Lizzie's Market 1808 SW 22nd Av 305 Lizzy Apartments 3901 SW 112th Av 305 Ld Cano Architects PA 305 Ld Cano Architects PA 305 LK Management Inc 100 5 9 szyne Bwd 305 Llaguno Pedro P atty 205 9 W 22nd St 305 Llamadas Internacionales 300 IN W 22nd Av 305
Liquids Night Club 1439 Washington Av MB	8940 SW 88th SI 305 275-8875 Lito International 2672 RW 112th Av 305 715-9784 LitoIsky Richard A 75 Valenco Av CG 305 446-5228 Litos A 7910 RW 167th Fe 1 305 557-3035 LitoW Cutter & Zabludowski 305 381-8400 Litowich J A General Contractors 285 N 1857H SI Ma 305 652-0300 Litowitz Budd E n est 14015 W 40th SI 305 525-5775 Litowitz Robert 1 301 SW 117th Av 305 221-3074 Litowitz Robert n est 14015 W 40th SI 305 552-5775 Litowitz Robert n est 14015 W 40th SI 305 552-5775 Litowitz Robert n est 14015 W 40th SI 305 552-5775 Litowitz Robert n est 14015 W 40th SI 305 552-5775 Litowitz Robert n est 14015 W 40th SI 305 552-5775	10000 SW 56th S 305 279-9291 Hisleah Center 900 W 4th PH Ith 305 558-1089 Hisleah Adult Day Center 900 W 4th PH Ith 305 558-2570 900 W 4th PH Ith 305 558-2570 Main Beach 533 Colling 54 MB - 305 588-2610 Maini Beach 533 Colling 54 MB - 305 588-2610 Maini Beach 533 Colling 54 MB - 305 588-2610 Maini Beach 533 Colling 54 MB - 305 838-2610 Maini Beach 533 Colling 54 MB - 305 838-2610 San Juan Bosco Site 28 W 13th 34 305 836-1234 Saint Dominic Center 5849 NW 7th 51 305 233-37315 Metropolitant/Sofge Center 1407 NW 7th S1 305 533-7315	Little Village Day Care Inc 788 INW 36th S1 Little William A MD 893 SW 97th Av 305 270-3400 Littlestone Associates Inc 80 SW 8th S1 Little World The childris wear 107 N Maine Av Littles World The ST P PA 7695 SW 104th St Phots 1 Little World The Childris wear 107 N Walme Av Little World The Childris Wear 107 N Walme Av Little World The Childris Wear 107 N Walme Av Little World The P PA 7695 SW 104th St Phots 1 1445 N E 27th PI NMB 145 N E 27th PI NMB 145 N E 27th PI NMB 147 N E 105 N E 305 662-8628	Lizzie Grubman Public Relations  305 Lizzie's Market 1800 SW 22nd Av 305 Lizzie's Market 1800 SW 22nd Av 305 Lizzie's Market 1800 SW 22nd Av 305 Li Cano Architects PA 305 Li Cano Architects PA 5040 NW 71h St Ma. 305 LK Management Inc 100 S Biscayne Blud 305 Llaguno Pedro P atty 2050 SW 22nd St 305 Llamadas Internacionales 301 NW 32nd Av 305 Llamadas Internacionales 301 NW 32nd Av 305 Llamadas I Fernios Universal
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1442 S.W. 8TH ST. MIAMI, FL 33135





Pedro Bello Sr. Tabacalera Las Villas P. Bello Y Cia 1528 S.W. 8th Street Miami, FL 33135



33135X52[9 11

# 





CAROLE ANN TAYLOR
&
JAKELIN PEREZ
CORDIALLY INVITE YOU TO THE
GRAND OPENING

OF

### LITTLE HAVANA TO GO

LITTLE HAVANA'S OFFICIAL SOUVENIR STORE

1442 SOUTHWEST 8TH STREET "CALLE OCHO"

FRIDAY, APRIL 28, 2000

5:30 - 9:00 P.M.

"A CUBAN AROMATIC, ARTISTIC AND

AUDIO JOURNEY INTO THE PAST"

(RECEPTION NEXT DOOR AT DOMINO PARK)

RSVP: CONTACT CHERYL (305) 381-7884

#### **SPONSORS**

- ALAS OF HISTORIC LITTLE HAVANA CAFÈ PILON • LA CARRETA • BACARDI
  - MOORE & BODE CIGARS
    - WICKLY





#### JAKELIN PEREZ

CORDIALMENTE LOS INVITA A LA GRAN APERTURA
DE

## LITTLE HAVANA TO GO

LA TIENDA OFICIAL DE REGALOS DE LA HISTORICA PEQUEÑA HABANA

1442 SOUTHWEST 8TH STREET "CALLE OCHO"

VIERNES 28 DE ABRIL DEL 2000

5:30 - 9:00 P.M.

"EL AROMA, ARTE Y RITMO DE LA CUBA DEL AYER"

(RECEPCION EN EL PARQUE DEL DOMINO) RSVP: CHERYL (305) 381-7884

#### **PATROCINADORES**

- ALAS DE LA HISTORICA PEQUÑA HABANA
- CAFÈ PILON LA CARRETA BACARDI
  - MOORE & BODE CIGARS
    - WICKLY



#### UNITED STATES PATENT AND TRADEMARK OFFICE

			PAPER NO.
<b>SERIAL NO.</b> 75/753734 Bello	APPLICANT		
MARK HAVANA SUNRISE HAND MADE AND DESIGN			ADDRESS: Commissioner for Trademarks
ADDRESS  JOHN CYRIL MALL  MALLOY & MALLOY  2800 SW 3RD AVE  HISTORIC CORAL	OY PA	ACTION NO. 03  MAILING DATE 05/08/01	2900 Crystal Drive Arlington, VA 22202-3513 www.uspto.gov  If no fees are enclosed, the address should include the words "Box Responses - No Fee."
MIAMI FL 33129 FORM PTO-1525 (5-90)		REF. NO.	Please provide in all correspondence:  1. Filing Date, serial number, mark and Applicant's name.  2. Mailing date of this Office action.
		J	3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT. For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type

Please attach it to the upper right corner of your response. If the label is not enclosed, print or ty the <u>Trademark Law Office No.</u>, <u>Serial No.</u>, and <u>Mark</u> in the upper right corner of your response.

RE: Serial Number: 75/753734

July 7

This letter responds to the applicant's communication filed on March 19, 2001.

Applicant, through his attorney Israel Perez, Jr., submitted March 19, 2001, a response to Office Action dated August 7, 2000. Applicant then submitted April 9, 2001, a revocation of his power of attorney to Israel Perez, Jr. and authorized the law firm of Malloy & Malloy, P.A., to represent him. Correspondingly, applicant is again apprised of the deficiencies in the application so that his new representatives may respond to the outstanding issues.

The refusals to register the mark under Trademark Act §§ 2(a) and 2(e)(3) are maintained. Purchasers would mistakenly believe that the source of applicant's cigars is Havana, Cuba, and purchase the goods applicant intends to produce under the mark based upon this mistaken belief. It is called to applicant's attention that the designation Havana, refers to Havana, Cuba, and not to Little Havana located in Miami, Florida. *In re Bacardi & Co. Ltd. Inc.*, 48 USPQ2d 1031 (TTAB, 1997). The mark is not "Little Havana Sunrise".

If applicant's cigars are composed of Cuban seed tobacco, applicant should amend the recitation of goods to so indicate. If the recitation of goods is so amended, the refusal to register will be withdrawn.

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

David C. Reihner, Examining Attorney

Law Office 107,

Telephone 703-308-9107 ext. 169

#### Sanchelima & Associates, P.A. Attorneys at Law

107 8

Patent, Trademark & Copyright Law

J. Sanchelima, Patent Attorney Maitte R. Netsch, Esq. Albert Bordas, Reg. Patent Attorney

November 7, 2001

Tel: 305-447-1617 Fax: 305-445-8484 jay@sanchelima.com www.sanchelima.com

Assistant Commissioners for Patents and Trademarks BOX: RESPONSES NO FEE AMENDMENT 2900 Crystal Drive Arlington, Virginia 22202-3513 11-07-2001 U.S. Patent & TMOfc/TM Mail Ropt Dt. #01

In Re:

Application For Trademark Registration of:

"HAVANA SUNRISE HAND MADE and Design"

Serial No. 75/753,734 filed on 7/17/99

**Attorney Docket No: 21619** 

Honorable Commissioner:

Enclosed please find our response to Office Action for the above referenced mark application.

Please acknowledge receipt of this document by stamping the enclosed self- addressed, postage-paid card and returning it to us.

If you should have any questions concerning this matter, please do not hesitate to contact us.

Sincerely yours,

SANCHELIMA & ASSOC., P.A.

Jesus Sanchelima, Esq.

JS/dj

Enclosures/Amendment, Revocation & Postcard

235 S.W. LeJeune Road • Miami, FLorida 33134-1762

7.0

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Application of

Pedro Bello, Sr.

Date: 11/7/01

ELEC HOLI Transcorressora (IRD) DE III DELICI ECH IED

11-07-2001

Int. Class: 34

U.S. Patent & TMOfo/TM Mail Ropt Dt. #01

Serial No: 75/753,734

Examiner: David C. Reihner

Filed: 7/17/99

Law Office: 107

For: "HAVANA SUNRISE HAND MADE and Design"

#### **AMENDMENT**

#### **EXPRESS MAIL CERTIFICATE**

"Express Mail" Mailing Label No: ET134896709US

Date of Deposit: 11/7/0/

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express mail in an envelope addressed to: Assistant Commissioner for Trademarks, Arlington, Virginia 22202-3513, on: I have been warned that willful false statements and the like are punishable by fine or patent resulting therefrom

(signature)

Honorable Assistant Commissioner of Trademarks

Box: Responses/ No Fee

2900 Crystal Drive

Arlington, Va. 22202-3513

Sir:

In response to the Office action mailed this past 8h day of May 2001, please amend the above referenced application, as follows:

#### IN THE APPLICATION

Please amend the identification of the goods as follows, delete "cigars and tobacco" and insert —cigars and tobacco-composed of Cuban seed tobacco—.

[NAT

#### **REMARKS**

The identification of the goods have been amended indicating that applicants goods are composed of Cuban seed tobacco. Applicant respectfully requests Examining Attorney to withdraw refusal to register as stated in Office Action, now that the identification of the goods have been amended as such.

In view of the foregoing amendment, the application as presently amended is deemed in condition for publication and prompt publication is respectfully requested. UNITED STATES PATENT AND TRADEMARK OFF

SERIAL NO. **APPLICANT** 75/753734 Bello, Pedro, Sr. MARK HAVANA SUNRISE HAND MADE AND DESIGN ADDRESS: **Commissioner for Trademarks ADDRESS** ACTION NO. 2900 Crystal Drive Jesus Sanchelima Esq Arlington, VA 22202-3513 SANCHELIMA & ASSOCIATES PA www.uspto.gov 235 SW LeJeune Rd MAILING DATE Miami, FL 33134 If no fees are enclosed, the address should 11/27/01 include the words "Box Responses - No Fee." REF. NO. Please provide in all correspondence: FORM PTO-1525 (5-90) 1. Filing Date, serial number, mark and U.S. DEPT. OF COMM. PAT. & TM OFFICE Applicant's name. Mailing date of this action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.

**EXAMINER'S AMENDMENT** 

<b>EXAMINING ATTORNEY</b>	PERSON CALLED/INTERVIEWED	TELEPHONE NUMBER	
David C. Reihner, Examining Attorney	Jesus Sanchelima	305-785-1142	
X TELEPHONE CALL	INTERVIEW DATE	X ATTORNEY	
PERSONAL INTERVIEW	November 26, 2001	APPLICANT	

#### CALL RECORD/NOTES

OFFICE SEARCH: The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

RE: Serial Number 75/753734

In accordance with the authorization granted by the above Applicant or attorney, the application has been AMENDED as indicated below. No response is necessary unless there is an objection to the amendment.

The recitation of goods has been deleted and substituted with the following:

Cigars composed of Cuban seed tobacco, cigar cutters, cases, lighters not of precious metal, and ashtrays in Class 34.

Inserted into the body of the application has been the following:

No claim is made to the exclusive right to use the word "Havana" apart from the

mark as shown.

David C. Reihner, Examining Attorney Law Office 107, 703-308-9107 ext. 169

703-746-8107 fax.



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TESS was last updated on Tue Nov 13 04:05:07 EST 2007

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Record 1 out of 3

( Use the "Back" button of the Internet

**TARR Status ASSIGN Status** Browser to return to TESS)

#### **Typed Drawing**

Word Mark

**HAVANA SUNRISE** 

Goods and Services

(ABANDONED) IC 034. US 002 008 009 017. G & S: tobacco, namely, cigars. FIRST USE:

19990324. FIRST USE IN COMMERCE: 19990324

**Mark Drawing** 

Code

(1) TYPED DRAWING

**Serial Number** 

**Filing Date** 

75759071 July 23, 1999

**Current Filing** 

**Basis** 

1A

**Original Filing** 

**Basis** 

1A

Owner

(APPLICANT) INTER-AMERICA CIGAR COMPANY CORPORATION FLORIDA 1876 N.W. 21

**TERRACE MIAMI FLORIDA 33142** 

**Assignment** 

Recorded

ASSIGNMENT RECORDED

Attorney of Record Robert M Schwartz

Prior Registrations 2900059

Type of Mark

**TRADEMARK PRINCIPAL** 

Register Live/Dead

Indicator

DEAD

Abandonment Date August 24, 2005

TESS HOME STRUCTURED FREE FORM BROWSE DICY SEARCH OG **CURR LIST NEXT DOC** NEXT LIST FIRST DOC PREV DOC

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This page was generated by the TARR system on 2007-11-12 13:08:07 ET

Serial Number: 75759071 Assignment Information

Trademark Document Retrieval

**Registration Number:** (NOT AVAILABLE)

Mark (words only): HAVANA SUNRISE

Standard Character claim: No

Current Status: Abandoned-Failure To Respond Or Late Response

**Date of Status: 2005-09-29** 

Filing Date: 1999-07-23

Transformed into a National Application: No

**Registration Date:** (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: M2X -TMO Law Office 111 - Examining Attorney Assigned

Date In Location: 2005-09-29

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

#### 1. INTER-AMERICA CIGAR COMPANY

#### Address:

INTER-AMERICA CIGAR COMPANY 1876 N.W. 21 TERRACE MIAMI, FL 33142 United States

Legal Entity Type: Corporation

State or Country of Incorporation: Florida

#### GOODS AND/OR SERVICES

International Class: 034 Class Status: Active tobacco, namely, cigars

Basis: 1(a)

First Use Date: 1999-03-24

First Use in Commerce Date: 1999-03-24

#### **ADDITIONAL INFORMATION**

#### **Prior Registration Number(s):**

2900059

#### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

#### **PROSECUTION HISTORY**

2005-09-29 - Abandonment Notice Mailed - Failure To Respond

2005-09-29 - Abandonment - Failure To Respond Or Late Response

2005-02-24 - Non-final action mailed

2005-02-22 - Non-Final Action Written

2005-02-17 - Teas/Email Correspondence Entered

2005-02-03 - Communication received from applicant

2005-02-03 - TEAS Response to Office Action Received

2005-01-06 - Non-final action mailed

2005-01-06 - Non-Final Action Written

2005-01-03 - LIE Checked Susp - To Atty For Action

2003-12-17 - Case File In TICRS

2002-12-16 - Assigned To Examiner

2000-08-07 - Letter of suspension mailed

2000-06-02 - Communication received from applicant

1999-12-02 - Non-final action mailed

1999-11-08 - Assigned To Examiner

1999-11-02 - Assigned To Examiner

#### ATTORNEY/CORRESPONDENT INFORMATION

**Attorney of Record** Robert M Schwartz

Correspondent ROBERT M SCHWARTZ 169 E FLAGLER ST STE 1125 MIAMI FL 33131-1205



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#### Assignments on the Web > Trademark Query

#### **Trademark Assignment Abstract of Title**

**Total Assignments: 1** 

Serial #: 75759071

Filing Dt: 07/23/1999

Reg #: NONE

Reg. Dt:

Applicant: Pyramid Cigar Company

Mark: HAVANA SUNRISE

Assignment: 1

Reel/Frame: 2239/0259

Received: 02/22/2001

Recorded: 02/15/2001

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: PYRAMID CIGAR COMPANY

Exec Dt: 01/17/2001

**Entity Type: CORPORATION** 

Citizenship: FLORIDA

**Entity Type: CORPORATION** 

Citizenship: FLORIDA

Assignee: INTER-AMERICA CIGAR COMPANY

1876 N.W. 21 TERRACE MIAMI, FLORIDA 33142

Correspondent: RUDEN MCCLOSKY SMITH SCHUSTER ET AL

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Search Results as of: 11/12/2007 01:35 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1

Web interface last modified: April 20, 2007 v.2.0.1

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#### UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

SERIAL NO. 75/759071 Fyramid	<b>APPLICANT</b> Cigar Company		PAPER NO.
MARK			ADDRESS:
HAVANA SUNRISE		. 24	ADDRESS:  Assistant Commissioner
ADDRESS ROBERT M SCHWARTZ 169 E FLAGLER ST 3 MIAMI FL 33131-120	STE 1125	ACTION NO.	for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513
01401 LF 22121-156	, , , , , , , , , , , , , , , , , , ,	MAILING DATE 12/02/99	If no fees are enclosed, the address should include the words "Box Responses - No Fee."
		REF. NO.	Please provide in all correspondence:
FORM PTO-1525 (5-90)	U.S. DEPT. OF COMM. PAT. & TM OFFICE	99175	Filing Date, serial number, mark and Applicant's name.
			2. Mailing date of this Office action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT. For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the <u>Trademark Law Office No.</u>, <u>Serial No.</u>, and <u>Mark</u> in the upper right corner of your response.

RE: Serial Number: 75/759071

The examining attorney refuses registration on the Principal Register because the mark is primarily geographically deceptively misdescriptive. Trademark Act Section 2(e)(3), 15 U.S.C. Section 1052(e)(3); TMEP section 1210.06.

The primary significance of the term "Havana" is geographic. The applicant's goods do not come from this place. The mark is geographically deceptively misdescriptive because the public would believe that the goods do come from Havana, Cuba. *In re Loew's Theatres, Inc.*, 769 F.2d 764, 226 USPQ 865 (Fed. Cir. 1985) and *In re Bacardi & Co. Ltd.*, 48 USPQ2d 1031 (TTAB, 1997).

The examining attorney refuses registration because the mark consists of or comprises deceptive matter in that purchasers would likely believe that the goods have their origin in Havana, Cuba, and base the purchase of the goods upon that misconception. Trademark Act Section 2(a), 15 U.S.C. Section 1052(a). See In re Budge Mfg. Co., 857 F.2d 773, 8 USPQ2d 1259 (Fed. Cir. 1988); In re Perry Mfg. Co., 12 USPQ2d 1751 (TTAB 1989); In re Shapely, Inc., 231 USPQ 72 (TTAB 1986), TMEP section 1203.02.

The primary significance of the term "Havana" is geographic. The public is likely to believe that the goods come from this place. Furthermore, this belief would materially influence consumers to purchase the goods. *In re House of Windsor, Inc.*, 221 USPQ 53 (TTAB 1983), *recon. denied*, 223 USPQ 191 (TTAB 1984). *See* TMEP sections 1210.04 and 1210.07.

The examining attorney encloses information regarding pending Application Serial No. 75-753,734. The filing date of the referenced application precedes the applicant's filing date. There may be a likelihood of confusion between the two marks under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). If the referenced application matures into a registration, the examining attorney may refuse registration in this case under Section 2(d). 37 C.F.R. Section 2.83; TMEP section 1208.01.

The examining attorney has searched the Office records and has found no similar registered mark which bars registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01. Please note that the examining attorney has found a potentially conflicting pending application.

David C. Reihner, Examining Attorney Law Office 107, 703-308-9107 ext. 169 \*\*\* User: dreihner \*\*\* Serial Number: 75753734 \*\*\* 12/2/99 9:36:48 AM \*\*\*



Mark

HAVANA SUNRISE HAND MADE

Goods and Services IC 034. US 002 008 009 017. G & S: Cigars and Tobacco

Mark Drawing Code
(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Code 240102 240701

Serial Number 75753734

Filing Date
July 17, 1999

Filed ITU FILED AS ITU

Owner Name and Address (APPLICANT) Bello, Pedro, Sr. INDIVIDUAL UNITED STATES 211 N.W. Blvd. Miami FLORIDA 33126

Type of Mark
TRADEMARK

Register PRINCIPAL

Live Dead Indicator LIVE

\*\*\* Search: 5 \*\*\* Document Number: 2 \*\*\*



#### 06-05-2000 U.S. Patent & TMOfc/TM Mail Ropt Dt. #57

DEMARK LAW OFFICE 107 Serial Number: 75/759071 Mark: HAVANA SUNRISE

\*\*Please Place on Upper Right Corner\*\*
\*\*of Response to Office Action ONLY \*\*

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Trademark Application of

Applicant: Pyramid Cigar Company

Mark: HAVANA SUNRISE

Serial No. 75/759,071

Filing Date: July 23, 1999

Trademark Examiner: David C. Reihner)

Telephone No. 703-308-9107 x169

Law Office: 107

Box RESPONSES NO FEE Assistant Commissioner for Trademarks 2900 Crystal Drive Arlington VA 22202-3513 LAW OFFICE 107
THE JUN-8 P 2 49
RECEIVED

#### REMARKS

In response to the December 2, 1999, Office Action, Applicant responds as follows:

Trademark Attorney has cited against Applicant's mark a pending application under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), for likelihood of confusion.

#### REQUEST FOR SUSPENSION OF ACTION

In response to the Examiner's refusal under Section 2 (d) and

pursuant to 37 C.F.R. Section 2.67, Applicant requests that action on the above-identified application be suspended. Suspension is requested for the following reason:

The Examining Attorney has cited pending Application Serial No. 75/753,734 stating that if the cited application matures into a registration, the Examining Attorney may refuse registration under Section 2(d).

Applicant respectfully requests suspension of its application pending disposition of Application Serial No. 75/753,734.

Respectfully submitted

ROBERT M. SCHWARTZ, P.A. Attorney for Applicant

169 E. Flagler Street, Suite 1125

Miami, Florida 33131 Telephone: (305)373-7600

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box RESPONSES, NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on June 2, 2000.

MARILEN MARNETT
(Print or type name of person signing the certificate)
Maulen Mainett
(Signature of person signing the certificate)
<u></u>
(Date of Signature)

#### UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 

75/759071

APPLICANT:

INTER-AMERICA CIGAR COMPANY

\*75759071\*

**CORRESPONDENT ADDRESS:** 

ROBERT M SCHWARTZ 169 E FLAGLER ST STE 1125

MIAMI FL 33131-1205

RETURN ADDRESS:

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

MARK:

**HAVANA SUNRISE** 

CORRESPONDENT'S REFERENCE/DOCKET NO: 99175

Please provide in all correspondence:

**CORRESPONDENT EMAIL ADDRESS:** 

- Filing date, serial number, mark and applicant's name.
- 2. Date of this Office Action.
- Examining Attorney's name and Law Office number.
- 4. Your telephone number and e-mail address.

#### **OFFICE ACTION**

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 75/759071

This letter responds to the applicant's communication filed on February 3, 2005.

Applicant indicates that it assigned this trademark application to applicant—assignee, Inter-America Cigar Company. Because the cited trademark registration that acts as a bar under Trademark Act § 2(d) to the registration of the mark in this application is owned by applicant-assignee, Inter-America Cigar Company, the refusal to register the mark is a moot issue and has been withdrawn.

Applicant failed to address the refusal to register the mark under Trademark Act § 2(e)(3). If applicant amends the recitation of goods to be "cigars made from Cuban seed tobacco", the refusal to register will be withdrawn.

#### **NOTICE: FEE CHANGE**

Effective January 31, 2005 and pursuant to the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the following are the fees that will be charged for filing a trademark application:

(1) \$325 per international class if filed electronically using the Trademark Electronic Application System (TEAS); or

25

(2) \$375 per international class if filed on paper

These fees will be charged not only when a new application is filed, but also when payments are made to add classes to an existing application. If such payments are submitted with a TEAS response, the fee will be \$325 per class, and if such payments are made with a paper response, the fee will be \$375 per class.

The new fee requirements will apply to any fees filed on or after January 31, 2005.

#### NOTICE: TRADEMARK OPERATION RELOCATION

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at http://www.uspto.gov/teas/index.html.

/David C. Reihner/, Examining Attorney

Law Office 111, 571-272-9392

571-273-9111 fax.

#### HOW TO RESPOND TO THIS OFFICE ACTION:

- ONLINE RESPONSE: You may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action form (visit <a href="http://www.uspto.gov/teas/index.html">http://www.uspto.gov/teas/index.html</a> and follow the instructions, but if the Office Action issued via email you must wait 72 hours after receipt of the Office Action to respond via TEAS).
- REGULAR MAIL RESPONSE: To respond by regular mail, your response should be sent to the mailing return address above and include the serial number, law office number and examining attorney's name in your response.

**STATUS OF APPLICATION:** To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <a href="http://tarr.uspto.gov">http://tarr.uspto.gov</a>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <a href="http://portal.uspto.gov/external/portal/tow">http://portal.uspto.gov/external/portal/tow</a>.

**GENERAL TRADEMARK INFORMATION:** For general information about trademarks, please visit the Office's website at <a href="http://www.uspto.gov/main/trademarks.htm">http://www.uspto.gov/main/trademarks.htm</a>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.



NOTICE OF ABANDONMENT
MAILING DATE: Sep 29, 2005

The trademark application identified below was abandoned because a response to the Office Action mailed on Feb 24, 2005 was not received within the 6-month response period.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement must be received within two months from the mailing date of this notice.

For additional information, go to http://www.uspto.gov/teas/petinfo.htm. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER:

75759071

MARK:

**HAVANA SUNRISE** 

OWNER:

INTER-AMERICA CIGAR COMPANY

#### Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE COMMISSIONER FOR TRADEMARKS P.O. BOX 1451 ALEXANDRIA, VA 22313-1451

FIRST-CLASS MAIL U.S POSTAGE PAID

ROBERT M SCHWARTZ 169 E FLAGLER ST STE 1125 MIAMI, FL 33131-1205